

# **DRAFT**

## MINUTES OF THE CITY COUNCIL OF THE CITY OF GREENSBORO, N. C.

REGULAR MEETING:

21 DECEMBER 1999

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Yvonne J. Johnson, Earl F. Jones, Robert V. Perkins, Thomas M. Phillips, Donald R. Vaughan and Nancy Vaughan. Absent: None. Also present were J. Edward Kitchen, City Manager; Linda A. Miles, City Attorney; and Juanita F. Cooper, City Clerk.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

.....

The Manager recognized Chris Kelly, employee of the Greensboro War Memorial Coliseum Complex, who served as courier for the meeting.

.....

The Mayor explained the Council procedure for conduct of the meeting.

.....

At the request of the Mayor, Councilmember Johnson introduced and read into the minutes a resolution honoring the memory of Emily Preyer. Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

### 211-99 RESOLUTION HONORING THE MEMORY OF THE LATE EMILY HARRIS PREYER

WHEREAS, on December 12, 1999, this community lost one of its most outstanding civic leaders with the death of Emily Harris Preyer, at the age of 80;

WHEREAS, Mrs. Preyer, a native of Reidsville, North Carolina, grew up in Greensboro, and received her B.A. degree from the University of North Carolina at Greensboro, and later attended the University of Virginia to receive her M.A. degree, returning to Greensboro to teach at Greensboro Senior High School (now Grimsley);

WHEREAS, best remembered as a woman who's joyful, caring nature came from helping others in the community, Mrs. Preyer made a point to reach out to people making them feel like they were a meaningful part of her life, never forgetting a name or face;

WHEREAS, volunteering with the American Red Cross overseas during World War II, was just the beginning of her strong role as a civic leader as she served not only this community, but also the State, and during her husband's Congressional career, was president of the Congressional Wives Club and the Congressional Wives Prayer Group;

WHEREAS, she was very active in this community and belonged to a large number of national, educational, professional and community organizations, some of which were The American Red Cross, N.C. Zoological Society, State Board for Multiple Sclerosis, Board of Trustees for A&T University, Board of Cone

Hospital Auxiliary, Board of Recording for the Blind in Washington, D.C., Board of North Carolina Symphony, Greensboro Parks and Recreation Commission and Board of Advisors for Guilford College and Chowan College, N.C. Nature Conservancy and also served as Chairman at various times for Heart Fund Drive, Residential Section of Cancer Fund Drive and March of Dimes City Drive;

WHEREAS, Mrs. Preyer received many honors and awards, one of the highlights being in 1998, when she received the N.C. Award, the state's highest civilian honor;

WHEREAS, as a member of First Presbyterian Church Mrs. Preyer served as an Elder and former Sunday school teacher as well as being a member of Board of Woman's work;

WHEREAS, Mrs. Preyer was an avid tennis player, still playing up to three times a week and, at one time, was a national finalist in the Mother Daughter National Tennis Championship;

WHEREAS, the City Council wishes to express its great sense of loss and its sincere appreciation and gratitude for the many outstanding contributions she has made to this community, and the legacy she leaves.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby expresses, on behalf of the citizens of Greensboro, a deep sense of loss and a feeling of respect and gratitude for the life of Emily Harris Preyer.
2. That a copy of this resolution shall be delivered to the family of the late Mrs. Preyer as a symbol of the gratitude of the people of Greensboro for her many outstanding contributions to this community.

(Signed) Claudette Burroughs-White

.....

Mayor Holliday stated that this was the time and place set for a public hearing to consider annexing territory to the corporate limits located on both sides of U.S. Highway 29, east of Bryan park, along Reedy Fork Creek—1,612 acres. He thereupon introduced so that these matters could be considered together: an ordinance annexing territory to the corporate limits located at the western end of Chickasha Drive, east of Bryan Park—184.9 acres; an ordinance establishing original zoning classification from County Zoning Agricultural RS-30 Residential Single Family, and Shopping Center to City Zoning Conditional Use—Planned Unit Development for property located on the east side of US Highway 29 north of Eckerson Road Interchange, northwest of Hines Chapel Road, and west of McLeansville Road and on the west side of U.S. Highway 29 between Summit Avenue Interchange and Chickasha Drive; an ordinance establishing original zoning classification from County Zoning Light Industrial to City Zoning Conditional Use-Light Industrial for property located at the southwest intersection of Summit Avenue and the southbound entry ramp to U.S. Highway 29; and an ordinance establishing original zoning classification from County Zoning Conditional use-Heavy Industrial to City Zoning Conditional Use-Heavy Industrial for property located at the southwest intersection of Summit Avenue and the southbound entry ramp to U.S. Highway 29.

After the Mayor noted that a request had been received from the applicant to continue these items to the February 1, 2000 meeting of Council, C. Thomas Martin, Planning Department Director, made brief comments about the items and purpose for continuance. An unidentified speaker voiced opposition to the items and was advised that she would have an opportunity to present her concerns at the February 1 Council meeting.

Councilmember Burroughs-White moved that these ordinances be continued to the February 1, 2000 meeting of Council, without further advertising. The motion was seconded by Councilmember D. Vaughan and adopted unanimously by voice vote of the Council.

.....

The Mayor stated that this was the time and place set for a public hearing to consider an ordinance rezoning from RS-9 Residential Single Family to Conditional use-RM-5 Residential Multi-Family for property located on the west side of Martinsville Road between Pisgah Church Road and Hathaway Drive; he noted this matter was being heard after receiving a 5-2 vote by the Zoning Commission to recommend approval of the rezoning. He administered the oath to those individuals who wished to speak to this matter.

C. Thomas Martin, Planning Department Director, provided the following staff presentation:

#### REQUEST – ITEM 11

This request is to rezone property from RS-9 Residential Single Family to Conditional Use – RM-5 Residential Multifamily.

The RS-9 District is primarily intended to accommodate single family detached residences at a density of 4.0 units per acre or less.

The RM-5 District is primarily intended to accommodate duplexes, townhouses, cluster housing and similar residential uses at a density of 5.0 units per acre or less.

#### CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) Uses: Townhouses designed for sale.
- 2) Maximum of 8 units.
- 3) Maximum of 3 buildings.
- 4) Minimum setback of 100 feet from Martinsville Road.
- 5) Minimum 40 foot undisturbed buffer along southern, western, and northern property lines. Within said buffer, all trees greater than 2” caliper shall be retained.

#### DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 2.5 acres and is located on the west side of Martinsville Road between Pisgah Church Road and Hathaway Drive.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	RS-9	Single family dwelling
North	RS-9	Single family dwelling
East	RS-12	Single family dwelling + wooded land
South	RS-9	Single family dwelling
West	RS-9	Approximately 6 single family dwellings on Martha’s Place

Mr. Martin stated that the Planning Department and Zoning Commission recommended approval of the request; he thereupon presented slides of the property and surrounding area.

The Mayor asked if anyone wished to speak to this matter.

Charlie Melvin, 300 North Greene Street, attorney representing the applicant, spoke in favor of the rezoning. He spoke to the proposed development of the property, stated this was an example of infill development of property supported by Council, and advised the heavily wooded site would be preserved as much as possible.

Paul O'Connor, residing at 2911 Martinsville Road, spoke to the topography of the property, detailed the creative design of the development proposal for this property, stated that the developers were sensitive the neighborhood, and advised this development would have less impact on the property with a sizable portion left undisturbed.

Larry Thompson, residing at 1213 Westridge Road and a realtor, spoke to the property values of housing in the area, stated that this development would enhance the value of homes in the surrounding area and stated this development would have no negative impact on the community.

Mr. Martin presented the following staff recommendation:

The Planning Department recommends that this request be approved. The applicant has demonstrated that, under the current RS-9 zoning, the property could be subdivided into 10 lots. To develop it in this manner would lead to significant loss of trees. The proposed zoning limits the number of dwelling units to 8. It creates a small enclave of townhouse units, but that would not be undesirable since they would be designed for sale and not as rental units. Furthermore, more trees would be saved in the process. The conditions offer a substantial setback from Martinsville Road with an extensive buffer around the perimeter of the development. Staff feels this offers a good opportunity to create in-fill housing and avoid sprawl. Staff feels this also offers an opportunity to fill a housing market niche without adversely affecting the adjoining properties.

Council discussed various opinions and concerns with respect to this zoning change; i.e., the history of rezoning requests for this area, the precedent this zoning change would set for future requests, the proposed density of the development, whether the development would be compatible with the surrounding area, the desire to encourage and support infill development, the creativity of the development proposal, the desire to preserve trees on this property, etc.

After further discussion, Councilmember Jones moved that the ordinance rezoning this property to Conditional Use—RM-5 Residential Multifamily be approved based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are no health or safety concerns inherent in the proposed use of the property.
- 2) The development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because the number of dwelling units proposed is similar to or less than the number that could be placed on the property under existing zoning.
- 2) The location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because this request represents a good example of compatible infill development which should be promoted city-wide.

The motion was seconded by Councilmember Johnson and adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

**99-203 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT**

**WEST SIDE OF MARTINSVILLE ROAD BETWEEN PISGAH CHURCH ROAD AND HATHAWAY DRIVE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:**

Section 1. The Official Zoning Map is hereby amended by rezoning from RS-9 Residential Single Family to Conditional Use – RM-5 Residential Multifamily (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the western right-of-way line of Martinsville Road, said point being the southeast corner of Lot 20, Guilford County Tax Map 273, Block 9; thence along said western right-of-way line along a curve to the right a chord course and distance S16°32'25"E 160.83 feet to a point; thence leaving said western right-of-way line S85°02'26"W 120.02 feet to a point; thence S09°43'28"E 75.11 feet to a point; thence S84°56'03"W 125.18 feet to a point; thence N44°30'00"W 364.23 feet to a point; thence N45°29'56"E 208.86 feet to a point; thence S61°52'26"E 277.76 feet to a point; thence S61°29'56"E 53.60 feet to the point and place of BEGINNING, containing 2.5 acres more or less as shown on "Map of Survey For: Paul B. O'Connor & Vicki L. Sutton" prepared by Wayne L. Stutts, P.A. dated 12-30-97.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: Townhouses designed for sale.
- 2) Maximum of 8 units.
- 3) Maximum of 3 buildings.
- 4) Minimum setback of 100 feet from Martinsville Road.
- 5) Minimum 40 foot undisturbed buffer along southern, western, and northern property lines. Within said buffer, all trees greater than 2" caliper shall be retained.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

(Signed) Earl Jones

.....

Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning from RS-9 Residential Single Family to Limited Office for property located at the southwest intersection of Carolina Street and West Wendover Avenue; he noted this matter was being heard on appeal filed by Gerald C. Parker after receiving a 1-6 vote by the Zoning Commission to recommend denial of the rezoning.

Mr. Martin spoke to the location of this property and used a map to show the area; he thereupon provided slides of the property and surrounding area. Mr. Martin also advised that the Zoning Commission and Planning Department had recommended the denial of the rezoning.

The Mayor asked if anyone wished to be heard.

Gerald Parker, residing at 4915 Edenboro Road and attorney representing the property owner, spoke in favor of the rezoning. Mr. Parker provided details about the history of the property and unsuccessful efforts to rezone or sell this property. He advised that area residents were opposed to any zoning change on the property, provided photographs of the property and surrounding area, spoke to the deteriorating condition of homes in the area, and offered his thoughts about the proposed rezoning of the property. Speaking to the large amount of traffic in the area, he stated that this rezoning would provide a creative buffer between Wendover Avenue and the residential area; he stated that, in his opinion, the rezoning would have minimal impact on area traffic and parking for the business would have no negative impact on the neighborhood.

Royce Cox, residing at 108 Sparger Place and owner of the property, requested the Council to approve the rezoning; he thereupon provided photographs to illustrate the unsightly condition of certain residential properties in the area.

Rick Luebke, residing at 1115 Virginia Street; John Tasker, residing at 1015 Carolina Street; Lila Verfurth, residing at 1016 Carolina Street; Alberta Lacklen, residing at 1014 Carolina Street; and Mr. Jim Leath, resident of Fisher Park; spoke in opposition to the rezoning. They expressed the desire to preserve the single family zoning classification and neighborhood, stated this rezoning would have a negative impact on the area, expressed concern with additional parking for the proposed business, and stated they believed the rezoning would create additional traffic concerns on the residential streets. Discussion was also held with regard to LO zoning classification, setback requirements, parking requirements for a business in this area and the fact that if this property were rezoned there would be no room to provide a buffer between the business and the neighborhood.

Mr. Martin presented the following staff recommendation:

The Planning Department recommends that this request be denied. In terms of zoning history, the property directly across the street from this lot was rezoned to an office category in 1967. The property immediately to the south of that lot on the east side of Carolina Street was requested for conditional use office and that was denied by the Zoning Commission in 1984. The property at the southwest intersection of Wendover and Virginia Street was requested for office zoning which was denied by the Commission in 1983 and a request for zoning for a doctor's office was denied by the Commission in 1987 on that same lot. Carolina Street is a residential street which is an important entranceway into the Fisher Park Historic District and staff is concerned with the precedent that an approval of this request could establish for additional single lot rezoning requests. The Zoning Commission has in three previous attempts denied office zoning in this immediate area. Staff feels that clear message has previously been sent that the residential character of this area should be retained and that this neighborhood should be protected from encroaching nonresidential zoning. Mr. Martin stated that this property provides an entryway into the neighborhood.

Council discussed with Mr. Martin various opinions and concerns with respect to details/requirements for the use of the property under the requested zoning classification, the close proximity of this property to the Fisher Park neighborhood, the existing traffic concerns for the area and the potential for increased problems under the requested zoning, existing access and egress from Wendover Avenue and the fact that this rezoning request contains no conditions to guarantee the use of the property.

Councilmember Phillips moved adoption of the ordinance. The motion was seconded by Councilmember Carmany; the ordinance was **DEFEATED** on the following roll call vote: Ayes: Jones. Noes: Burroughs-White, Carmany, Holliday, Johnson, Perkins, Phillips, Vaughan and Vaughan.

(A copy of the ordinance as introduced and **DEFEATED** is filed in Exhibit Drawer N, Exhibit Number 3, which is hereby referred to and made a part of these minutes.)

.....

Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning from RS-5 Residential to Conditional Use-General Business for property located at the southeast intersection of Gorrell Street and Plott Street; he advised this matter was being heard after receiving a 5-2 vote by the Zoning Commission to recommend approval of the rezoning.

Mr. Martin provided the following staff presentation:

#### REQUEST

This request is to rezone property from RS-5 Residential Single Family to Conditional Use – General Business.

The RS-5 District is primarily intended to accommodate single family detached dwellings at a density of 7.0 units per acre or less.

The General Business District is primarily intended to accommodate a wide range of retail, service, and office uses.

#### CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) Uses limited to a tourist home (bed & breakfast); restaurant including facilities for banquets, catering and special events; and vocational training facility.
- 2) Existing building shall be restored and renovated.

#### DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 0.3 acre and is located at the southeast intersection of Gorrell Street and Plott Street.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	RS-5	Magnolia House Motel
North	RS-5	Dwelling
East	RS-5	Apartment building
South	RS-5	Vacant lot
West	GO-M	Street right-of-way – Plott Street & Murrow Boulevard

Mr. Martin advised the Planning Department and Zoning Commission recommended approval of the request; in response to Mr. Martin's inquiry, members of Council stated they did not wish to review slides of the property and surrounding area.

The Mayor asked if anyone wished to speak to this matter.

There being no one present desiring to speak to this matter, Mr. Martin provided the following staff recommendation:

The Planning Department recommends that this request be approved. On October 6, 1999, the City Council approved an amendment to the Gorrell Street Redevelopment Plan, changing the Land Use, Proposed Zoning, and Preliminary Site Plan maps to provide for commercial use of this property. This action followed two community meetings held with neighborhood residents and a positive recommendation for the changes from the Redevelopment Commission of Greensboro. Regarding any questions about the provision of adequate parking spaces for the proposed use, the owner/applicant has executed a parking encumbrance agreement with Rising Ebenezer Church that ensures additional off-street parking spaces will be available to serve the proposed facility. Historically, this property had been used as a hotel and staff feels the proposed rezoning will help preserve this significant building and commercial site. The historical significance of this facility as a key element in the Gorrell Street neighborhood and its proximity to Bennett College and North Carolina A & T State University makes the restoration of this property an important endeavor.

Councilmember Burroughs-White moved that the ordinance rezoning this property to Conditional Use-General Business be approved based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are no health or safety concerns inherent in the proposed use of the property.
- 2) The development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because this property was operated as a hotel for many years with no known adverse consequences.
- 3) The location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of

development of the City and its environs because the Gorrell Street Redevelopment Plan has recently been amended by the City Council to provide for commercial use of this property.

The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

99-204 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT

SOUTHEAST INTERSECTION OF GORRELL STREET AND PLOTT STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from RS-5 Residential Single Family to Conditional Use – General Business (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the intersection of the eastern right-of-way line of Plott Street and the southern right-of-way line of Gorrell Street; thence along said southern right-of-way line S89°13'E 70.00 feet to a point, said point being a common corner with Ernest R. Canada as recorded in Deed Book 3689, Page 1342; thence along Canada's line S00°53'22"E 113.40 feet to a point; thence S89°15'E 34.50 feet to a point; thence S03°05'44"W 34.08 feet to a point; thence N89°56'18"W 106.00 feet to a point in the eastern right-of-way line of Plott Street; thence along said eastern right-of-way line N00°36'49"E 148.79 feet to the point and place of BEGINNING, containing approximately 0.27 acre as shown on "Map of Survey for: Samuel P. Pass & Kimberley Pass" prepared by Wayne L. Stutts, P.A. dated 8-22-95.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) Uses limited to a tourist home (bed & breakfast); restaurant including facilities for banquets, catering and special events; and vocational training facility.
- 2) Existing building shall be restored and renovated.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

(Signed) Claudette Burroughs-White

.....

Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance amending Chapter 30 of the Greensboro Code of Ordinances with respect to Zoning, Planning and Development to modify the definition of Group Care Facility and to increase the number of persons permitted in such a facility in the CB and PI Districts. Mayor Holliday asked if anyone wished to be heard.

After an explanation by Mr. Martin and brief discussion, Councilmember Johnson moved adoption of the ordinance. The motion was seconded by Councilmember Burroughs-White; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, D. Vaughan and N. Vaughan. Noes: None.



AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES  
WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

Section 1. That Section 30-2-2.7, General, is hereby amended by changing the definition of "Group Care Facility" to read as follows:

"GROUP CARE FACILITY. A facility licensed by the State of North Carolina, (by whatever name it is called, other than "Family Care Home" as defined by this Ordinance), with support and supervisory personnel that provides room and board, personal care, or habilitation services in a family environment for not more than thirty (30) people in a residential or office district and for not more than forty (40) people in any other district."

Section 2. That Section 30-5-2.46, Group Care Facilities, is hereby amended to read as follows:

"30-5-2.46 Group Care Facilities

- (A) Where Required: GO-M, GO-H, CB, and PI Districts.
- (B) Property Separation: No such facility shall be located within one-quarter (1/4) mile of an existing group care facility or a shelter for the homeless.
- (C) Operation: The facility shall be limited to not more than thirty (30) persons in a GO-M or GO-H District and not more than forty (40) persons in a CB or PI District."

Section 3. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

(Signed) Claudette Burroughs-White

.....

The Mayor stated that this was the time and place set for a public hearing to consider an ordinance amending Chapter 30 of the Greensboro Code of Ordinances with respect to Zoning, Planning and Development to amend watershed regulations. Mayor Holliday asked if anyone wished to be heard.

Mr. Martin advised the purpose of the proposed amendments was to adopt provisions mandated by the North Carolina Environmental Management Commission in conjunction with designation and approval of the proposed Randleman Lake as a water supply; he reiterated that the minimum standards must be met, and these amendments were required to be in place by January 1, 2000. He thereupon reviewed major changes required by the Randleman Rules including maximum allowable built-upon areas now allowed in the upper and lower Randleman Lake General Watershed Area and requirements related to stronger stream buffers; he also reviewed additional minor housekeeping changes contained in the proposed ordinance.

Marlene Sanford, representing TREBIC, expressed appreciation for opportunity to work with in regard to the proposed ordinance. On behalf of the group, she expressed concern and questioned portions of the proposed amendments: 1) whether City and State buffer loss mitigation requirements might require mitigation in two different ways; 2) the need for city staff to continue to explore ways that would allow density averaging within the community, and 3) requested that Council delay action on the portion of the ordinance that deals with land disturbance in the watershed critical area to allow time for further evaluation because of the impact the provision could have on building soccer fields, golf courses, etc. Mr. Martin advised his staff had worked with TREBIC to address their concerns; he suggested that the mitigation requirements be adopted as proposed and added that staff would be willing to address any problems that might be identified. He further stated that staff would be willing to discuss viable options related to density averaging that would protect the watershed.

Council discussed at length various opinions and concerns with respect to the proposed amendments; i.e., the proposed change in overall density requirements, whether or not these changes could hurt small development, the amount of flexibility the changes would allow for development, the maximum built upon areas allowed in the upper and lower Randleman Lake Watershed area, the rationale for some amendments contained in the proposed ordinance, the desire to move forward expeditiously with the Randleman Dam project, the feasibility of addressing future concerns that might require additional amendments to the ordinance, etc.

(A copy of the detailed memorandum with detailed information about the amendments contained in the proposed ordinance is filed in Exhibit Drawer N, Exhibit Number 2, which is hereby referred to and made a part of these minutes.)

After further discussion, Councilmember Phillips moved adoption of the ordinance. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan Noes: None.

#### 99-206 AMENDING CHAPTER 30

#### AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

Section 1. That Section 30-1-3.12(E) is hereby amended to read as follows:

- (E) Provide for natural and engineered methods for managing the ~~storm-water~~ stormwater which flushes contaminants off of built-upon areas in the water supply watersheds and which may reach water supply reservoirs unless controlled.

Section 2. That Section 30-2-1, Definition Index, is hereby amended by adding into alphabetical sequence the defined words and ordinance references as shown below:

Intermittent Streams	30-2-2.2
Riparian Protection Area	30-2-2.2

and that Section 30-2-2.2, Drainage and watershed protection, is hereby amended by changing and adding definitions as shown below:

**Discharging landfill.** A facility with liners, monitoring equipment, and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream. These facilities require approval and a discharge permit from the NC Department of Environment, ~~Health~~ and Natural Resources for legal operation.

**EMC Rules.** Statewide water supply watershed protection rules, and special rules for certain water supply watersheds, adopted by the NC Environmental Management Commission and enforced by the Division of Water Quality of the Department of Environment, ~~Health~~ and Natural Resources to carry out the requirements of the NC General Statutes addressing water quality. NC Administrative Code Section: 15A NCAC 2B .0100 and .0200.

**Intermittent streams.** Streams, and lakes and ponds along them, that are indicated as being intermittent 1) on the most recent version of the US Geological Survey 1:24000 scale (7.5 minute quadrangle) topographic maps, 2) on the most recent version of the Soil Survey map developed by the USDA – Natural Resource Conservation Service, or 3) by an examination of site-specific evidence by the City Storm Water Services Division using criteria approved by the NC Division of Water Quality. However, if the above-mentioned map indicates an area as an intermittent stream but the Storm Water Services Division finds no intermittent water body actually exists on

the ground, that area shall not be deemed an intermittent stream. Ponds and lakes created for animal watering, crop irrigation, or other agricultural uses that are not part of a natural drainageway are not streams. If the City of Greensboro develops a detailed stream network map covering one or more watersheds, and that map is approved by the NC Division of Water Quality, then within the watersheds covered by that map intermittent streams shall thenceforth be as shown by that map.

Perennial streams. In water supply watersheds other than the Upper and Lower Randleman Lake watersheds, sStreams shown on the Guilford County Designated Water Supply Watershed Map, dated June 30, 1991 (see definition below). In the Upper and Lower Randleman Lake watersheds, streams, and lakes and ponds along them, that are indicated as being perennial 1) on the most recent version of the US Geological Survey 1:24000 scale (7.5 minute quadrangle) topographic maps, 2) on the most recent version of the Soil Survey map developed by the USDA – Natural Resource Conservation Service, or 3) by an examination of site-specific evidence by the City Storm Water Services Division using criteria approved by the NC Division of Water Quality. However, if the above-mentioned map indicates an area as a perennial stream but the Storm Water Services Division finds no perennial water body actually exists on the ground, that area shall not be deemed a perennial stream. Ponds and lakes created for animal watering, crop irrigation, or other agricultural uses that are not part of a natural drainageway are not streams. If the City of Greensboro develops a detailed stream network map covering one or more watersheds, and that map is approved by the NC Division of Water Quality, then within the watersheds covered by that map perennial streams shall thenceforth be as shown by that map.

Pond and/or stream buffer plat. A plat recorded to show one or more engineered stormwater runoff controls structures, water quality conservation easements, stream buffers or other features created pursuant to watershed protection requirements and to put present and future owners on notice of maintenance requirements. A subdivision plat with appropriate information may be used to fulfill the pond and/or stream buffer plat function.

Riparian protection area. A stream buffer, or a portion of a stream buffer, subject to stronger maintenance and protection requirements than are applied to other stream buffers. It consists of Randleman Zone 1 and Randleman Zone 2, as described in Section 30-7-1.8 (Stream buffer required).

Stream buffer. A natural or vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer width is measured landward from the normal pool elevation of impoundments and from the top of bank on each side of streams or rivers. (This definition applies only with respect to watershed protection regulations.)

Substantially completed. Work has progressed to the point that, in the opinion of the Enforcement Officer, it is sufficiently completed in accordance with the approved plans and specifications that the work can be utilized for its intended purposes. For ponds permanent runoff control structures this generally means that the following have been accomplished; 1) the dam has been constructed to the approved lines and grades; 2) all slopes have been fine graded, seeded, mulched, fertilized, and tacked to establish permanent ground cover; 3) principal and emergency spillways have been installed at the approved elevations and dimensions; and 4) permanent velocity controls on the inlet and outlet pipes and channels have been installed.

Watershed, water supply. The entire area contributing drainage to Lake Townsend, Lake Brandt, Lake Higgins, Oak Hollow Lake, High Point City Lake, Lake Mackintosh, Polecat Creek Lake, Reidsville Reservoir, and the proposed Randleman Lake Reservoir.

Watershed manual. This shall mean the Guilford County Water Quality-Protection Manual, dated March, 1990, as amended, until such time as the City of Greensboro Stormwater Storm-Water

~~Best Management Practices Guidance~~ Manual is adopted; thereafter it shall mean the Greensboro manual.

Watershed map. The map incorporated by reference at Section 30-7-1.2 (Incorporation of Designated Water Supply Watershed Basin Map(s)).

Wet detention pond. An engineered stormwater ~~storm-water~~ control pond that has a permanent pool and also controls runoff from the first one inch (1") of rainfall, removes ~~eighty-five~~ 85-percent (85%) of total suspended solids (TSS), and releases the stormwater ~~storm-water~~ over a period of two to five days.

Section 3. That Section 30-3-11.6 is hereby amended to read as follows:

30-3-11.6 Permanent ~~run-off-engineered stormwater controls structures~~ and soil erosion and sedimentation control devices installation

Any approved permanent ~~run-off-engineered stormwater controls structures~~ and soil erosion and sedimentation control device(s) may be installed prior to approval of street and utility construction plans.

Section 4. That Section 30-4-6.1(B), Single Family Detached Cluster Development, is hereby amended by adding a new Subsection (5) to read as follows:

(5) Performance Standards if within a WCA or GWA:  
See Section 30-7-1.7 (Clustering) for additional requirements.

Section 5. That Section 30-6-2, Coordination with Other Procedures, is hereby amended to read as follows:

To lessen the time required to attain all necessary approvals and to facilitate the processing of applications, an applicant may start the subdivision approval process simultaneously with applications for grading permits or other applications for approval required for a particular project. When a watershed development plan approval is required, ~~that approval of all portions of that plan except stormwater control construction plans~~ shall be a prerequisite to Preliminary Plat approval.

Section 6. That Section 30-6-9.2, is hereby amended to read as follows:

30-6-9.2 Permanent engineered stormwater ~~run-off-controls structures~~ in subdivisions

- (A) Coordination with Streets and Utilities: Any approved permanent engineered stormwater ~~runoff-controls structure~~ may be installed prior to approval of street and utility construction plans. Such plans shall show the location of existing or proposed engineered stormwater ~~runoff-controls structure~~ relative to the proposed improvements to avoid conflicts during construction and after.
- (B) Design and Construction: Engineered stormwater ~~Runoff-controls structures~~ shall be designed and installed in accordance with the requirements of Section 30-7-1 (Water Supply Watershed Districts).
- (C) Owners' Association Required: When a permanent engineered stormwater ~~runoff~~ control ~~structure~~ serves more than two lots within a subdivision, an owners' association shall be required for the purposes of ownership and maintenance responsibility.
- (D) Maintenance Responsibility:

- (1) Until the permanent ~~engineered stormwater runoff-control structure~~ <sup>a)</sup> has been covered by an Engineer's Certification of Stormwater Control Completion (Table 30-7-1-36), b) has been granted final approval by the Enforcement Officer, and c) has been shown on a recorded final plat, the subdivider shall be responsible for its completion and its maintenance. Neither the posting of a guarantee of the structure's completion nor conveyance of the land containing the ~~runoff-control~~ structure shall relieve the subdivider of this responsibility.
  - (2) After the permanent ~~engineered stormwater runoff-control structure~~ has been completed in accordance with Section 30-6-9.2(D)(1) of the Greensboro Development Ordinance and conveyed to the owners' association, the owners' association shall be responsible for maintaining it as directed by the governmental office having jurisdiction for watershed protection and, if the owners' association should be dissolved or cease to exist, then in that event all the lot owners of record at the time of the required maintenance shall be jointly and severally liable for any and all costs attendant thereto.
- (E) Maintenance Note Required on Final Plat: When a subdivision contains a permanent ~~engineered stormwater runoff-control structure~~ to which subsection (C) above is applicable, each final plat in the subdivision shall contain a prominent note with the full text of subsection (D)(2) above.
- (F) Plat Recordation: If a subdivision lot is dependent upon an ~~engineered stormwater runoff-control structure~~ to meet the requirements of Section 30-7-1 (Water Supply Watershed Districts), that ~~runoff-control~~ structure's location and type must be shown on the same plat as the lot or on a plat recorded previously. If the runoff control structure has been completed, with full design volume available (this may require the cleanout and disposal of sediment from the pond), when the plat is recorded, it shall be labeled as existing and an Engineer's Certification of Stormwater Control Completion (Table 30-7-1-36) shall be filled out on the plat. If the structure has not been completed, it shall be labeled as proposed, assurance of its completion, with full design volume available, within one (1) year shall be provided in accordance with Section 30-3-9 (Sureties or Improvement Guarantees), and a prominent asterisk shall be placed on the lot accompanied by a note on the plat stating 1) that no certificate of compliance shall be issued for any building on that lot until the ~~engineered stormwater runoff-control structure~~ has been completed, certified, and approved and 2) that (the name of the person) has posted a guarantee and bears responsibility for its timely completion.

If the Enforcement Officer determines that there is a potential risk that underground rock, buried materials, springs, underground utility lines, or some other obstacle may make construction of the structure unviable, he shall require that excavation for the structure be successfully performed prior to acceptance of a surety or improvement guarantee.

Section 7. That Section 30-6-13.7, Drainage, is hereby amended to read as follows:

#### 30-6-13.7 Drainage

##### (A) General Requirements:

(1) Refer to Section 27-22 (Stormwater management control requirements) of the Greensboro Code of Ordinances for additional requirements that apply citywide and to Sections 30-7-1 (Water Supply Watershed Districts), 30-7-2 (General Watershed Areas), and 30-7-3 (Watershed Critical Areas) for additional requirements that apply in GWA and WCA areas.

~~(24)~~ All watercourses that lie within the city or within or adjacent to developments provided with City water or sewer service pursuant to the City and County Consolidated Water and Sewer Line Agreement will carry a flow of five (5) cubic feet per second or more during a ten-year storm, as calculated in accordance with the City's storm sewer design manual, shall be treated in one or more of the three ways listed in Sections 30-6-13.7(B), (C), and (D) below. Except where Section 30-6-13.7(A)(2) below leaves the determination to the developer, the City Technical Review Committee shall determine the treatment(s) to be used, based upon the pipe size necessary to handle drainage and adopted drainage and open space plans or maps. Open drainage channel requirements shall be based upon a one-hundred-year storm; enclosed systems shall be based upon a ten-year storm. If the area is identified on the drainageway and open space map or would require a pipe size of sixty-six (66) inch diameter or greater, the determination of drainage treatment(s) shall be made by the Technical Review Committee. In determining the drainage treatment(s), the Technical Review Committee shall consider the following factors:

- (a) The type of development;
- (b) The drainage treatment(s) employed by nearby developments;
- (c) The probability of creating a lengthy greenway or drainageway and open space;
- (d) The probability of creating future maintenance problems;
- (e) The probability of erosion or flooding problems; and
- (f) The adopted drainageway and open space plan or map.

(32) If the area is not identified on the drainageway and open space plan or map and would require less than a sixty-six (66) inch diameter pipe, the developer shall determine the drainage treatment(s) in a manner consistent with this Section.

(B) Enclosed Subsurface Drains (Storm Sewers):

(1) Storm sewer lines, connections, and facilities shall be designed and constructed in accordance with the City's storm sewer design manual.

(2) A utility easement designed to accommodate storm sewer shall be dedicated on a Final Plat when determined necessary by the City. The required utility easement shall be centered on the enclosure when practical, but in no case shall the outside wall of the enclosure be located less than five (5) feet from the edge of the easement. The easement shall be of a width determined necessary for maintenance purposes by the City based upon enclosure depth, topography, and location of existing and proposed improvements, but in no case less than fifteen (15) feet.

(3) Storm Sewer easements may be used for future installation of other underground utilities.

(C) Open Channels in Dedicated Drainageway and Open Space Areas (See Appendix 5: Illustrations):

(1) Drainageway and open space shall be dedicated by a recorded plat and shall be labeled "Dedicated to the City of Greensboro and the public for Drainageway and Open Space". If a portion of the drainageway and open space lies within a proposed thoroughfare shown on the Thoroughfare Plan, it shall be labeled "Dedicated to the City of Greensboro and the public for Drainageway and Open Space or Thoroughfare."

(2) The dedicated drainageway and open space area along any stream that would require a sixty-six (66) inch or larger diameter pipe shall include the land between the natural one-hundred-year flood contour lines as determined by the City. The area to be dedicated may be reduced in width by filling provided that a

minimum average width of two hundred (200) feet is maintained, a minimum width of one hundred (100) feet is maintained at the narrowest point is maintained, no fill is placed within a designated floodway, and no slope greater than three (3) to one (1) is created. The minimum average width in other locations shall be sixty (60) feet. (Caution: Article VII of this Ordinance, or Section 27-22 (Stormwater management control requirements), or federal wetlands regulations will prohibit or restrict fill placement in certain locations.)

(3) In cases of severe topography or other obstacles, additional width may be required to assure reasonable ease of maintenance.

(4) Dedicated drainageway and open space area shall abut public street right-of-way on at least thirty percent (30%) of its perimeter, except when the Technical Review Committee determines that adequate access is otherwise provided. The minimum length of street frontage at each location where drainageway and open space abuts public street right-of-way shall be sixty (60) feet. The maximum distance between such locations, measured by straight lines on each side of the drainageway, shall be one thousand (1,000) feet.

(5) The centerline of the drainage channel that would require a sixty-six (66) inch or larger diameter pipe shall be located no less than fifty (50) feet from any street or property line, provided that the dimensions of the drainageway and open space area conform to all other requirements of this Section. The minimum distance from the centerline shall be twenty (20) feet along smaller drainageways.

(6) Dedicated drainageway and open space may be used for drainage, open space, greenways, bikeways, trails, and other similar recreation activities.

(7) Dedicated drainageway and open space may be used for utility lines provided the lines are shown on approved construction and utility plans before final plat recordation or approved by the Parks and Recreation Department after final plat recordation.

(8) Drainageway and open space shall be left in its natural condition or graded to a cross section approved by the City and stabilized with permanent vegetative cover that will allow economical and efficient maintenance.

(9) Single family lots abutting property sixty (60) feet or more in width dedicated to the City and the public as drainageway and open space may be reduced in size in accordance with the provisions in Section 30-4-6.1(D) (Lots Adjoining Public Open Space). If lot sizes have been reduced under the provisions of that Section, the following note shall appear of the plat:

"The required area of Lots \_\_ through \_\_ has been reduced in accordance with Section 30-4-6.1(D) of this Ordinance. All other dimensional requirements of this Ordinance shall apply."

(D) Open Channels on Private Property Within Drainage Maintenance and Utility Easements:

(1) This treatment shall not be utilized in any subdivision intended for single family detached dwellings unless the Technical Review Committee determines that an open channel would not become a missing segment in a stormwater piping system and that the open channel is sufficiently distant from all anticipated building locations.

(2) The drainage maintenance and utility easement shall include the land between the natural one-hundred-year flood contour lines. The easement may be reduced in width or shifted by modifying the topography if permitted under Section 30-7-4 (Soil Erosion and Sedimentation Control) and Section 30-7-5 (Flood Damage Prevention). In such cases, the approved typical required drainage channel section shall include the necessary channel to accommodate a one-hundred-year flood. The area outside of the required drainage channel may be filled; but any resulting slope shall be no steeper than two (2) to one (1), unless the slope is protected by masonry paving, rip-rap, or other material which meet the City's specifications.

(3) The minimum width of a drainage maintenance and utility easement shall not be less than specified below: If the edge of the easement as specified below and the edge of a stream buffer required in Section 30-7-1.8 (Stream buffer required) are close to coinciding, the Enforcement Officer may authorize the easement line to be moved to coincide with the stream buffer line.

Cubic feet per second in 100-year storm	Drainage maintenance and utility easement width (feet)
5-17	30, centered
18-70	60, centered
> 70	100, plus width of channel

(4) The drainage maintenance and utility easement shall be centered on the drainageway unless the Technical Review Committee approves other easement alignments because of topographic conditions.

(5) In cases of severe topography or other obstacles, additional width may be required to assure reasonable ease of maintenance.

(6) If the Technical Review Committee determines that suitable access to the drainage maintenance and utility easement is not provided, access shall be guaranteed by a suitably located access easement not less than twenty (20) feet in width.

(7) It shall be the owner's responsibility to maintain all streams and all required stream buffers located within the easement.

(8) If the City Council determines that it is in the public interest to alter the typical required channel section and/or profile of the stream to improve flow, the City may enter the property within the indicated access or drainage maintenance and utility easement and carry out the necessary work without liability for damage to the property or improvements located within the easement.

(9) No buildings or structures, except for water-related improvements, shall be placed or constructed within the access or drainage maintenance and utility easement except as allowed in Section 30-4-7.5 (Easement encroachments). Drives, parking areas, or other improvements shall be constructed no closer than two (2) feet horizontally from the top of any back slope along any open watercourse.

Section 8. That Sections 30-7-1, Water Supply Watershed Districts, 30-7-2, General Watershed Areas, and 30-7-3, Watershed Critical Areas, are hereby amended to read as follows:

#### 30-7-1 **WATER SUPPLY WATERSHED DISTRICTS**

##### 30-7-1.1 District descriptions

Two overlay districts cover designated water supply watersheds. They are the Watershed Critical Area (WCA) and the General Watershed Area (GWA). The WCA covers the area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. No portion of the WCA outer boundary is closer than one-half (1/2) mile to the normal pool elevation of an existing or proposed designated reservoir. The GWA covers the rest of the watershed draining to the reservoir or intake.

##### 30-7-1.2 Incorporation of Designated Water Supply Watershed Basin Map(s)



This Section incorporates by reference the ~~Greensboro Guilford County~~ Designated Water Supply Watershed Basin Map(s), dated January 1, 2000, ~~June 30, 1993~~, showing Watershed Critical Areas, and General Watershed Areas, ~~and perennial streams~~ of the following: ~~Reidsville~~, Greensboro (Reedy Fork Creek), Upper Randleman Lake (East and West Forks of Deep River, which drain to High Point City Lake and Oak Hollow Lake), Lower Randleman Lake (Deep River), Lake Mackintosh (Big Alamance Creek), and Polecat Creek ~~High Point, Randleman, Randleman Dam, Burlington, Sandy Creek, and Dan River~~ watersheds.

30-7-1.3

#### Applicability

##### (A) Coverage:

- (1) This Section 30-7-1 (Water Supply Watershed Districts) applies to all sites containing new development in the Watershed Critical Area or General Watershed Area, including grading, paving, gravel placement, and construction of buildings and other structures, except for the exempt activities listed in Section 30-7-1.3(B) below. Section 30-7-2 (General Watershed Areas) and Section 30-7-3 (Watershed Critical Areas) impose additional requirements specific to the overlay district.
- (2) The construction of new streets by local government shall comply with best management practices developed in response to the City of Greensboro's EPA-NPDES Stormwater ~~Storm Water~~ Management Program, which is incorporated herein by reference.
- (3) Widening of existing streets and the installation of sidewalks shall comply with the provisions of this Article to the extent practicable. When it is determined by the Enforcement Officer that the provisions of these sections cannot be met, the widening of existing streets and the installation of sidewalks shall comply with best management practices developed in response to the City of Greensboro's EPA-NPDES Stormwater ~~Storm Water~~ Management Program.

##### (B) Exempt Activities: The following activities are exempt from the plan submission and approval requirements of this Section. However, any restrictions upon building location, drainageways, pavement, or other built-upon area, or any other matter appearing on any previously approved watershed development (watershed control) plan covering the subject property, shall be complied with unless and until replaced by an approved revised plan.

- (1) Construction of a single family dwelling and its accessory structures on a zone lot outside WCA Tiers 1 and 2.
- (2) Replacement of existing built-upon area with a like or lesser amount of new built-upon area at the same location, or at a different location on the same zone lot if the Enforcement Officer has determined that equal or improved water quality will result.
- (3) Except as provided in Subsection (1) above, placement of small accessory buildings or structures or small amounts of other built-upon area provided that the total additional built-upon area is no greater than four hundred (400) square feet and the additional built-upon area is not placed within a required stream buffer. This exemption shall apply to a zone lot for one time only after June 30, 1993.

- (4) Existing development until such time as new development is initiated on the site.

#### 30-7-1.4

##### Participation in a public regional ~~stormwater control~~ ~~water quality lake~~ program

- (A) Where Permitted: Where a regional ~~stormwater control~~ ~~water quality lake~~ program has been established by one or more local governments, or by an authority operating on behalf of one or more local governments, a development may participate in said program in lieu of any certification of ~~stormwater runoff~~ control required by this Article, provided that:
  - (1) The development is within an area covered by a public regional ~~stormwater control~~ ~~water quality lake~~ program;
  - (2) ~~Stormwater Runoff~~ from the development drains to an existing or funded public regional ~~engineered stormwater control~~ ~~water quality lake~~ which is part of said program;
  - (3) Participation is in the form of contribution of funds, contribution of land, contribution of ~~engineered stormwater control~~ ~~lake~~ construction work, or a combination of these, the total value of which shall be in accordance with a fee schedule adopted by the City Council; and
  - (4) The Technical Review Committee finds that the watershed development plan is in compliance with all other applicable requirements of this Article.
- (B) Use of Contributions: Each contribution from a development participating in a public regional ~~engineered stormwater control~~ ~~water quality lake~~ program shall be used for acquisition, design, or construction of one or more such ~~controls~~ ~~lakes~~ in the same water supply watershed in which the development is located.

#### 30-7-1.5

##### Watershed development plan

- (A) Plan Required:
  - (1) For a two-family dwelling on a zone lot, a plot plan showing all proposed built-upon area, not to exceed 3,000 square feet, shall suffice in a GWA or WCA.
  - (2) For all other new development in a GWA, a watershed development plan in accordance with the performance standards specified in Table 30-7-2-1 and with other requirements of Sections 30-7-1 and 30-7-2 shall be submitted to the Enforcement Officer.
  - (3) For all other new development in a WCA, a watershed development plan in accordance with the requirements of Sections 30-7-1 and 30-7-3 shall be submitted to the Enforcement Officer.
  - (4) Plans shall include all applicable information listed in Appendix 2 (Map Standards) of this Ordinance.
- (B) Plan Approval: The Technical Review Committee is authorized to approve watershed development plans which conform to the requirements of this Ordinance.
- (C) Approved Plan a Prerequisite: The Enforcement Officer is not authorized to issue any permits, except as provided in Section 30-3-4.2 (Permits issued prior to site plan or preliminary plat approval), for development on any land in a WCA or GWA unless and

until a watershed development plan in compliance with the requirements of this Section has been approved.

- (D) ~~Permanent Engineered Stormwater Runoff Controls Structures:~~ When a permanent ~~engineered stormwater runoff-control structure~~ is required for a development to meet the requirements of this Article, a North Carolina registered professional engineer shall prepare the plan with the Engineer's Certification of Stormwater Quality Runoff Control from Table 30-7-1-~~52~~ affixed, signed, sealed, and dated.

#### 30-7-1.6

#### Improvements

(A) Design of Improvements:

- (1) Design of improvements shall:
  - (a) Be performed by a North Carolina registered professional engineer;
  - (b) Be subject to approval by the Enforcement Officer; and
  - (c) Meet or exceed the guidelines in the watershed manual.
- (2) The Enforcement Officer may recommend, and the Technical Review Committee may require, that a given ~~engineered stormwater runoff-control structure(s)~~ be positioned on a site such that water quality protection is improved.
- ~~(3) The construction plans for required runoff control structures shall be approved prior to issuance of any building permit on a site.~~

(B) Construction of Watershed Protection Improvements:

- (1) See Section 30-6-9.2(F) (Plat recordation) if improvements are pursuant to a watershed development plan that was a prerequisite to a subdivision approval.
- (2) The construction of all improvements designed for watershed protection and shown on other approved watershed development plans shall be substantially completed, ~~and~~ have full design volume available, and be functioning properly prior to any pond plat recordation or issuance of any building certificate of compliance.
- (3) Final approval of installed ~~engineered stormwater runoff-controls structures~~ shall be required at finalization of the grading permit or at issuance of the final building certificate of compliance, whichever comes later. If neither a building permit nor a grading permit is required for a site, then any such engineered stormwater required runoff control structure shall be substantially completed and have full design volume available prior to installation of any built-upon area on the site. An Engineer's Certification of Stormwater Control Completion (Table 30-7-1-~~36~~) shall be required prior to final approval by the Enforcement Officer.

- (C) Recordation of Permanent Improvements: All permanent ~~engineered stormwater runoff controls structures~~ and associated access/maintenance easement(s) (specific or general, at the owner's option) shall be recorded on a Pond Plat, and a mechanism to ensure their maintenance shall be established concurrent with or prior to plat recordation.

(D) Maintenance Responsibility:

- (1) When ~~engineered stormwater runoff controls structures~~ serve more than one lot, an owners' association or binding contract for the purpose of maintenance shall be required. See Section 30-6-9.2 (Permanent ~~runoff~~ engineered stormwater controls structures in subdivisions).
- (2) Maintenance of ~~engineered stormwater runoff controls structures~~ shall be performed at such time as the designated sediment storage volume of the structure has been lost to sediment or a part of the installation is not functioning as originally designed. The Enforcement Officer shall have the responsibility to inspect ~~such runoff control~~ structures annually, to record the results on forms approved or supplied by the NC Division of Water Quality, and to notify the responsible property owner or owners' association when maintenance or repairs are required. All required repairs and maintenance shall be performed within ninety (90) days after such notice. In case of failure by the responsible party to perform the required maintenance or repairs within the stated period, the City may perform such maintenance or repairs and recover all costs attendant thereto from the property owner or owners' association.

30-7-1.7

Clustering

- (A) Clustering Encouraged: Clustering of residential development is encouraged. Clustering of single family detached development is allowed under the provisions of Section 30-4-6.1(B) (Single Family Detached Cluster Development). Multifamily development may be clustered so long as the development complies with the standards of Section 30-4-6.2 (Multifamily districts).
- (B) Performance Requirements: Clustering is allowed if the overall density of the project meets the applicable GWA or WCA density and ~~stormwater storm-water~~ runoff control requirements, the built-upon areas are designed and sited to minimize ~~stormwater storm-water~~ runoff impact to the receiving waters and minimize concentrated ~~stormwater storm-water~~ flow, and the remainder of the tract remains in a vegetated or natural state.
- (C) Additional Performance Requirements in Lower Randleman Lake Watershed:
  - (1) Development shall maximize the use of sheet flow through vegetated areas and shall maximize the flow length through vegetated areas.
  - (2) Areas of concentrated development shall be located in upland areas and away, to the maximum extent practicable, from surface waters and drainageways.
  - (3) The remainder of the tract to remain in a vegetated or natural state shall be conveyed to a property owners' association, conveyed to a local government for preservation as a park or greenway, conveyed to a conservation organization, or placed in a permanent conservation or farmland preservation easement. A document recorded at the Register of Deeds shall require maintenance of the vegetated or natural area.

30-7-1.8

Stream buffer required

- (A) Stream Buffer Widths: in the WCA and the GWA, ~~a~~ stream buffers containing zones and widths as specified in Table 30-7-1 (Stream Buffer Zone and Width Requirements in

Upper and Lower Randleman Lake Watersheds) and Table 30-7-2 (Stream Buffer Width Requirements in Other Water Supply Watersheds) below with a minimum width as specified below, measured landward from the normal pool elevation of impoundments and from the bank of each side of streams or rivers, shall be maintained along all perennial waters. (See Section 30-7-3 (Watershed Critical Area Requirements) for additional requirements concerning stream buffers in the WCA).

~~1) — Thirty (30) feet in developments using the low density option.~~

~~2) — One hundred (100) feet in developments using the high density option.~~

~~(B) — Structures Permitted Within Stream Buffer: No new built upon area is allowed in the stream buffer, except that water dependent structures, public projects such as street and driveway crossings, utility crossings, and runoff control devices may be allowed where no practicable alternative exists. Installation of these structures shall minimize built upon surface area, divert runoff away from surface waters, and maximize the use of runoff control structures.~~

~~(B)~~ ~~(C)~~ Relationship to Requirements of Chapter 27: Where stricter stream buffer requirements are present in section 27-22(f) (Stream Buffer Requirement), the stricter requirements shall apply.

30-7-1.9

~~(C)~~ Stream Channelization: In a GWA or WCA approval from the Technical Review Committee shall be secured before any intermittent or perennial stream is channelized. If the stream is Perennial, it streams in a WCA or GWA shall not be channelized without prior approval by the Planning Board.

~~(D)~~ Explanation of Randleman Zones and Other Stream Buffers: Stream buffers in the Upper and Lower Randleman Lake watersheds may be composed of two or three of the following zones, depending upon whether the low density option or the high density option is used. Stream buffers required in other (non-Randleman) water supply watersheds are not broken into zones.:

(1) Randleman Zone 1 is the portion of a riparian protection area, required in the Upper and Lower Randleman Lake Watersheds, located closest to the stream. It is intended to be an undisturbed area of vegetation.

(2) Randleman Zone 2, the remainder of a riparian protection area, is intended to provide protection through a vegetated riparian zone which provides for diffusion and infiltration of runoff and filtering of pollutants.

(3) Randleman Zone 3 is not part of a riparian protection area and therefore is subject to less extensive requirements than are Randleman Zones 1 and 2. Randleman Zone 3 covers the outermost fifty (50) feet of one hundred (100) foot perennial stream buffers under the high density option in the Upper and Lower Randleman Lake watersheds.

(4) A non-Randleman stream buffer covers the entire perennial stream buffer, be it thirty (30) feet under the low density option or one hundred (100) feet under the high density option, in other water supply watersheds.

TABLE 30-7-1  
STREAM BUFFER ZONE AND WIDTH\* REQUIREMENTS  
IN UPPER AND LOWER RANDLEMAN LAKE WATERSHEDS

LOW DENSITY OPTION

<u>Watersheds</u>	<u>Perennial Streams, Lakes &amp; Ponds</u>			<u>Intermittent Streams</u>		
	<u>Zone 1</u>	<u>Zone 2</u>	<u>Zone 3</u>	<u>Zone 1</u>	<u>Zone 2</u>	<u>Zone 3</u>
<u>Upper &amp; Lower Randleman Lake</u>	<u>0-30</u>	<u>30-50</u>	<u>N/A</u>	<u>0-30</u>	<u>30-50</u>	<u>N/A</u>

HIGH DENSITY OPTION

<u>Watershed</u>	<u>Perennial Streams, Lakes &amp; Ponds</u>			<u>Intermittent Streams</u>		
	<u>Zone 1</u>	<u>Zone 2</u>	<u>Zone 3</u>	<u>Zone 1</u>	<u>Zone 2</u>	<u>Zone 3</u>
<u>Upper &amp; Lower Randleman Lake</u>	<u>0-30</u>	<u>30-50</u>	<u>50-100</u>	<u>0-30</u>	<u>30-50</u>	<u>N/A</u>

TABLE 30-7-2  
STREAM BUFFER WIDTH\* REQUIREMENTS  
IN OTHER WATER SUPPLY WATERSHEDS

LOW DENSITY OPTION

<u>Watersheds</u>	<u>Perennial Streams, Lakes &amp; Ponds</u>	<u>Intermittent Streams</u>
<u>Greensboro</u>	<u>0-30</u>	<u>N/A</u>
<u>Lake Mackintosh</u>	<u>0-30</u>	<u>N/A</u>
<u>Polecat Creek</u>	<u>0-30</u>	<u>N/A</u>

HIGH DENSITY OPTION

<u>Watershed</u>	<u>Perennial Streams, Lakes &amp; Ponds</u>	<u>Intermittent Streams</u>
<u>Greensboro</u>	<u>0-100</u>	<u>N/A</u>
<u>Lake Mackintosh</u>	<u>0-100</u>	<u>N/A</u>
<u>Polecat Creek</u>	<u>0-100</u>	<u>N/A</u>

\*Distances on all sides of water bodies are in feet and are with reference to top of bank for streams and normal pool elevation for all other water bodies. Thus, "0" equals top of bank or normal pool elevation and "30" equals 30 feet landward from top of bank or normal pool elevation.

(E) Structures, Uses, Practices, and Activities Allowed in Randleman Zone 1:

- (1) Natural regeneration of forest vegetation and planting vegetation to enhance the riparian area if disturbance is minimized, provided that any planting shall primarily consist of locally native trees and shrubs;

- (2) Selective cutting of individual trees, where forest vegetation as defined in Rule .0202 of the EMC Rules exists, as long as the following conditions are met every one hundred (100) feet on each side of the stream:
  - (a) Of existing trees twelve (12) inches and greater in diameter breast height (dbh), a minimum of five (5) trees must remain uncut;
  - (b) Trees twelve (12) inches and greater dbh may be harvested based on the following equation: Number of Trees Harvested = (Total Number of Trees Greater than 12 Inches dbh – 5)/2;
  - (c) No trees less than twelve (12) inches dbh may be harvested unless exceptions provided in this section are met;
  - (d) Trees may not be harvested more frequently than every ten years; and
  - (e) No tracked or wheeled equipment is allowed.;
- (3) Horticulture or silvicultural practices to maintain the health of individual trees;
- (4) Removal of individual trees which are in danger of causing damage to dwellings, other structures, or the stream channel;
- (5) Removal of dead trees and other timber cutting techniques necessary to prevent extensive pest or disease infestation if recommended by the Director, NC Division of Forest Resources and approved by the Director, NC Division of Water Quality;
- (6) Ongoing agricultural operations provided that existing forest vegetation is protected;
- (7) Water dependent structures, road crossings, driveway crossings, railroad crossings, bridges, airport facilities, utility crossings, stream restoration projects, scientific studies, stream gauging, and passive recreation facilities such as boardwalks, trails, pathways, historic preservation and archeological activities where no practical alternative exists. These structures shall be located, designed, constructed, and maintained to have minimal disturbance, to provide maximum nutrient removal and erosion protection, to have the least adverse effects on aquatic life and habitat, and to protect water quality to the maximum extent practical through the use of best management practices; and
- (8) Stream crossings associated with timber harvesting, if performed in accordance with the Forest Practices Guidelines Related to Water Quality (15A NCAC 1J .0201-.0209).

(F) Practices and Activities Not Allowed in Randleman Zone 1:

- (1) Land-disturbing activities and placement of fill and other materials, other than those allowed elsewhere in this Section;
- (2) New development, except as allowed elsewhere in this Section;
- (3) New on-site sanitary sewage systems which use ground adsorption;
- (4) Application of fertilizer; and

- (5) Any activity that threatens the health and function of the vegetation, including, but not limited to, application of chemicals in amounts exceeding the manufacturer's recommended rate, deposition of sediment from uncontrolled sediment sources on adjacent lands, and creation of any areas with bare soil.

(G) Structures, Uses, Practices, and Activities Allowed in Randleman Zone 2:

- (1) All those permitted in Randleman Zone 1;
- (2) Periodic mowing and removal of plant products such as timber, nuts, and fruit, provided the purpose of the riparian area is not compromised by harvesting, disturbance, or loss of forest and herbaceous ground cover;
- (3) Grading and timber harvesting, provided that vegetative ground cover is established immediately following completion of land-disturbing activity;
- (4) Stormwater management facilities and ponds;
- (5) Corridors for the construction and management of utility lines, such as water, sewer, or gas, (including access roads and stockpiling of materials) running parallel to the stream, as long as no practical alternative exists and best management practices are used to minimize runoff and maximize water quality protection to the maximum extent practicable. Permanent, maintained access corridors shall be restricted to the minimum width practicable and shall not exceed ten (10) feet in width except at manhole locations. A ten (10) feet by ten (10) feet perpendicular vehicular turnaround shall be allowed provided they are spaced at least five hundred (500) feet apart along the riparian area; and
- (6) Stream restoration projects, scientific studies, stream gauging, water wells, and passive recreation facilities such as boardwalks, trails, pathways, historic preservation and archeological activities, provided that they are designed, constructed, and maintained to provide the maximum nutrient removal and erosion protection, to have the least adverse effects on aquatic life and habitat, and to protect water quality to the maximum extent practical through the use of best management practices.

(H) Practices and Activities Not Allowed in Randleman Zone 2:

- (1) New development, other than that allowed elsewhere in this Section; and
- (2) Those uses listed in Sections 30-7-1.8(F)(3) and (5) above.

(I) Timber Removal in Randleman Zones 1 and 2: Timber removal and skidding of trees shall be directed away from the water course or water body. Skidding shall be done in a manner to prevent the creation of ephemeral channels perpendicular to the water body. Any tree removal must be performed in a manner that does not compromise the purpose of the riparian area and is in accordance with the Forest Practices Guidelines Related to Water Quality (15A NCAC 1J .0201-.0209).

(J) Maintenance of Sheet Flow in and Entering Randleman Zones 1 and 2:

- (1) Sheet flow must be maintained to the maximum extent practical through dispersing concentrated flow and re-establishment of vegetation to maintain the effectiveness of the riparian area.



- (2) Concentrated runoff from new ditches or manmade conveyances must be dispersed into sheet flow before the runoff enters Randleman Zone 2 of the riparian area. Care shall be taken to minimize pollutant loading through existing ditches and manmade conveyances from fertilizer application or erosion.
- (3) Periodic corrective action to restore sheet flow shall be taken by the landowner if necessary to impede the formation of erosion gullies which allow concentrated flow to bypass treatment in the riparian area.
- (K) Maintenance of Modified Natural Streams in Randleman Zones 1 and 2: Periodic maintenance of modified natural streams such as canals is allowed provided that disturbance is minimized and the structure and function of the riparian area is not compromised. A grassed travelway is allowed on one side of the water body when alternative forms of maintenance access are not practical. The width and specifications of the travelway shall be only those needed for equipment access and operation. The travelway shall be located so as to interfere as little as practical with stream shading.
- (L) Structures, Uses, Practices, and Activities Allowed in Randleman Zone 3 and in Non-Randleman Stream Buffers:
  - (1) All those permitted in Randleman Zone 2, and
  - (2) Water dependent structures, public projects such as street, railroad and driveway crossings, airport facilities, utility crossings and corridors, and stormwater management facilities and ponds may be allowed where no practicable alternative exists. Installation of these structures shall minimize built-upon area, divert runoff away from surface waters, and maximize the utilization of best management practices.
- (M) Structures and Uses Not Allowed in Randleman Zone 3 and in Non-Randleman Stream Buffers: No new built-upon area, other than that permitted in Section 30-7-1.8(L) above, is allowed.
- (N) Platting of Stream Buffers: Subdivision plats and pond plats shall show each stream buffer and Randleman zone applicable to the property.
- (O) Alternatives to the Maintenance of Riparian Protection Area Buffers: The alternatives listed in this Section are established to accommodate situations where a buffer would otherwise be required, but where it can be demonstrated that there is no practical alternative to the loss of the buffer in spite of efforts to avoid such loss. This is intended to allow, in such situations, compensatory mitigation in lieu of complying with Ordinance requirements that riparian buffers be protected and maintained. Technical Review Committee approval is a prerequisite to the use of any alternative for any property. Expenditure of collected fees shall occur on property in the same river basin as the riparian buffer that is lost. Each other alternative measure shall occur on property in the Upper Cape Fear river basin. Alternatives shall include, but are not limited to:
  - (1) Payment of a compensatory mitigation fee, according to the fee schedule, into the Riparian Buffer Restoration Fund managed by the NC Division of Water Quality;
  - (2) Donation of real property or an interest in real property to the NC Department of Environment and Natural Resources, another state agency, the City of Greensboro, or a private, non-profit conservation organization if both the donee organization and the donated real property or interest in real property are approved by the Technical Review Committee. The donee organization shall be approved only if the donee

agrees to maintain the real property or interest in real property as a riparian buffer.  
The Technical Review Committee may approve a donation only if the donation:

- (a) Is a riparian buffer that will provide protection of water quality that is equivalent or greater than that provided by the riparian buffer that is lost; or
- (b) Will be used to restore, create, enhance, or maintain a riparian buffer that will provide protection of water quality that is equivalent to or greater than that provided by the riparian buffer that is lost;
- (3) Restoration or enhancement of an existing riparian buffer that is not otherwise required to be protected, or creation of a new riparian buffer, that will provide protection of water quality that is equivalent to or greater than that provided by the riparian buffer that is lost; and
- (4) Construction of an alternative measure that reduces nutrient loading as well as or better than the riparian buffer that is lost.

30-7-1.9

Additional Requirements in Lower Randleman Lake Watershed:

- (A) Vegetated Conveyances: When the low density option is used in the GWA or WCA of this watershed, stormwater runoff shall be transported primarily by vegetated conveyances. This shall be done to the maximum extent practicable in cluster developments.
- (B) Minimization of Impacts of Built-Up Area: To the extent that this can be accomplished consistent with other requirements of the Development Ordinance, built-upon area shall be minimized to the maximum extent practical through clustering and narrower and shorter paved areas (streets, driveways, sidewalks, and parking lots). Rooftop and other built-upon area runoff shall be spread over pervious areas.
- (C) Land Clearing Limitation: Land clearing during the construction process shall be limited to the maximum extent practical.
- (D) Deed Restrictions To Be Recorded: The developer shall record deed restrictions and protective covenants to ensure that development activities maintain the development consistent with the approved plans and specifications.

30-7-1.10

Activities Regulated by Other Governmental Agencies

- (A) Designated Agencies: The following are the designated agencies responsible for implementing the requirements of the EMC Rules for the specified activities:
  - (1) Agriculture - Guilford Soil and Water Conservation District
  - (2) Silviculture - NC Division of Forest Resources
- (B) Transportation: The North Carolina Department of Transportation shall comply with the practices outlined in its document entitled "Best Management Practices for the Protection of Surface Waters," which is incorporated by reference.
- (C) Hazardous Materials:
  - (1) The Greensboro Emergency Management Assistance Agency and the Guilford County Local Emergency Planning Committee (LEPC) are the designated

management agencies responsible for implementing the provisions of this subsection pertaining to hazardous materials.

- (2) An inventory of all hazardous materials used and stored in the watershed shall be maintained. A spill/failure containment plan and appropriate safeguards against contamination are required. Waste minimization and appropriate recycling of materials is encouraged.
- (3) Properties in the WCA or GWA shall comply with the requirements of the Superfund Amendments and Reauthorization Act (SARA) Section 302 Extremely Hazardous Substances (42 USC 11000 et seq.), or Section 311 of the Clean Water Act, as amended (CWA)(33 USC 1251 et seq.; oil and hazardous substances) if hazardous substances listed in either of these sections are stored or used on the site.

30-7-1.11 Density

- (A) Density Limits: New development shall not exceed the density limits in Table 30-7-1-34 (Density Limits in Upper and Lower Randleman Lake Watersheds) or Table 30-7-1-4 (Density Limits in Other Water Supply Watersheds), whichever is applicable ~~below~~.
- (B) Measurement in Low Density Option: For the low density option, density is measured in dwelling units per acre for single family detached residential development; for recreational facilities such as golf courses and tennis and swim clubs lying within such developments, measure the built-upon area on the lot or common area and divide by 3,000 square feet to obtain a dwelling units equivalency number. Density is measured in percentage of the land surface covered by built-upon area for all other residential and nonresidential development. When buildings for single family detached residential uses and buildings for other uses are intermingled, the built-upon area measurement shall apply. When sections devoted to single family detached residential buildings and other sections devoted to buildings for other uses are present in the same development, the developer may apply the appropriate measurements to the different uses or may use the built-upon area measurement for the entire development. When using the built-upon area measurement, assume 3,000 square feet of built-upon area per single family detached residential lot to cover the built-upon area on the lot and in the portion of its driveway within the street right-of-way.
- (C) Measurement in High Density Option: The built-upon area measurement shall apply.

**TABLE 30-7-1-34**

**DENSITY LIMITS IN UPPER AND LOWER RANDLEMAN LAKE WATERSHEDS  
FOR LOW DENSITY AND HIGH DENSITY OPTIONS  
IN DWELLING UNITS PER ACRE & % BUILT-UPON AREA**

Watershed Classification	Overlay Zone & Tier	Low Density <u>Option</u>		High Density <u>Option</u>
		DU/AC	%BUA	%BUA*
<u>Lower</u> <u>Randleman Lake</u> <u>(WS-IV Critical</u> <u>Water Supply)</u>	<u>GWA</u>	<u>1***</u>	<u>12</u>	<u>50</u>
	<u>WCA.1</u>	<u>See BUA</u>	<u>0.5</u>	<u>no HD option</u>
	<u>WCA.2</u>	<u>0.2</u>	<u>2.4</u>	<u>no HD option</u>
	<u>WCA.3,sewer</u>	<u>0.5</u>	<u>6</u>	<u>30</u>

	<u>no sewer</u>	<u>0.33</u>	<u>4</u>	<u>no HD option</u>
	<u>WCA,4,sewer</u>	<u>1***</u>	<u>12</u>	<u>40</u>
	<u>no sewer</u>	<u>1***</u>	<u>12</u>	<u>no HD option</u>
<u>Upper</u>	<u>GWA</u>	<u>2**</u>	<u>24</u>	<u>70</u>
<u>Randleman Lake</u>				
<u>(WS-IV Critical</u>				
<u>Water Supply)</u>				
	<u>WCA,1</u>	<u>See BUA</u>	<u>0.5</u>	<u>no HD option</u>
	<u>WCA,2</u>	<u>0.2</u>	<u>2.4</u>	<u>no HD option</u>
	<u>WCA,3,sewer</u>	<u>2**</u>	<u>24</u>	<u>34</u>
	<u>no sewer</u>	<u>0.33</u>	<u>4</u>	<u>no HD option</u>
	<u>WCA,4,sewer</u>	<u>2**</u>	<u>24</u>	<u>40</u>
	<u>no sewer</u>	<u>1***</u>	<u>12</u>	<u>no HD option</u>

\*In a subdivision, the BUA maximum applies to the subdivision as a whole, including streets, lots, etc. The maximum BUA allowed by this column (assuming engineered stormwater runoff controls structures are large enough) shall be allocated among streets, lots, etc. In single family detached development, the allocation to each house lot shall be uniform. In other development, the allocation may vary among lots. In all cases, the final plat shall clearly state each lot's allocation and restrictive covenants shall call attention to these allocations. On new or extended thoroughfare streets, allocate enough BUA to cover 5 foot sidewalks on both sides; and on all other new or extended streets allocate enough to cover a 5 foot sidewalk on one side.

\*\*Alternatively, if total area minus area in street right-of-way, divided by number of house lots, equals 20,000 square feet or more, that is Low Density.

\*\*\*Alternatively, if total area minus area in street right-of-way, divided by number of house lots, equals 40,000 square feet or more, that is Low Density.

In making determinations whether modification requests are minor or major, remember that all Greensboro's WCA Tier 4 and the portion of its Tier 3 lying more than 1/2 mile from normal pool elevation are beyond the minimum WCA required by EMC Rules.

**TABLE 30-7-1-41**

**DENSITY LIMITS IN OTHER WATER SUPPLY WATERSHEDS**  
**IN DWELLING UNITS PER ACRE & % BUILT-UPON AREA**

<u>Watershed</u> <u>Classification</u>	<u>Overlay</u> <u>Zone &amp; Tier</u>	<u>Low Density Option</u>		<u>High Density Option</u>
		<u>DU/AC</u>	<u>%BUA</u>	<u>%BUA*</u>
<u>Greensboro &amp;</u>	<u>GWA</u>	<u>2**</u>	<u>24</u>	<u>50(70<sup>#</sup>)</u>
<u>Polecat Creek</u>				
<u>(WS-III)</u>				
<u>WS-III</u>	<u>WCA,1</u>	<u>See BUA</u>	<u>0.5</u>	<u>no HD option</u>
	<u>WCA,2</u>	<u>0.2</u>	<u>2.4</u>	<u>no HD option</u>
	<u>WCA,3,sewer</u>	<u>1***</u>	<u>12</u>	<u>30</u>
	<u>no sewer</u>	<u>0.33</u>	<u>4</u>	<u>no HD option</u>
	<u>WCA,4,sewer</u>	<u>2**</u>	<u>24</u>	<u>40</u>
	<u>no sewer</u>	<u>1***</u>	<u>12</u>	<u>no HD option</u>
<u>Lake Mackintosh</u>	<u>GWA</u>	<u>2**</u>	<u>24</u>	<u>70</u>
<u>(WS-IV)</u>				
<u>WS-IV</u>	<u>WCA,1</u>	<u>See BUA</u>	<u>0.5</u>	<u>no HD option</u>

WCA,2	0.2	2.4	no HD option
WCA,3,sewer	2**	24	34
no sewer	0.33	4	no HD option
WCA,4,sewer	2**	24	40
no sewer	1***	12	no HD option

#Watershed plans approved on and after October 31, 1997, collectively covering up to 10% of the WS-III GWA, may receive allocations permitting up to 70% BUA. An approved watershed plan constitutes a completed application for such an allocation. An allocation is granted to a lot when a building permit is issued thereon and to a part of a subdivision when the engineered stormwater runoff control structure for it has been substantially completed. An allocation is lost if the building permit or plat approval expires or is revoked.

\*In a subdivision, the BUA maximum applies to the subdivision as a whole, including streets, lots, etc. The maximum BUA allowed by this column (assuming engineered stormwater runoff controls structures are large enough) shall be allocated among streets, lots, etc. In single family detached development, the allocation to each house lot shall be uniform. In other development, the allocation may vary among lots. In all cases, the final plat shall clearly state each lot's allocation and restrictive covenants shall call attention to these allocations. On new or extended thoroughfare streets, allocate enough BUA to cover 5 foot sidewalks on both sides; and on all other new or extended streets allocate enough to cover a 5 foot sidewalk on one side.

\*\*Alternatively, if total area minus area in street right-of-way, divided by number of house lots, equals 20,000 square feet or more, that is Low Density.

\*\*\*Alternatively, if total area minus area in street right-of-way, divided by number of house lots, equals 40,000 square feet or more, that is Low Density.

In making determinations whether modification requests are minor or major, remember that all Greensboro's WCA Tier 4 and the portion of its Tier 3 lying more than 1/2 mile from normal pool elevation are beyond the minimum WCA required by EMC Rules.

**Table 30-7-1-52**

**ENGINEER'S CERTIFICATION OF RUNOFF STORMWATER QUALITY CONTROL**

The engineer's certification is required on the watershed development plans and stormwater control construction plans portion of the watershed development plan drawings when a permanent stormwater quality control is proposed. The certification shall be of the following form:

<p align="center"><b>ENGINEER'S CERTIFICATION OF <u>STORMWATER QUALITY</u> <u>RUNOFF</u> CONTROL</b></p> <p>I certify that <del>this plan has been designed to control runoff from the first inch of rainfall from areas that are required to be controlled per in Section 30-7-1.12 of the Greensboro Development Ordinance from the first inch of rainfall and has been designed to achieve 85% total suspended solids (TSS) removal and that the runoff control measures shown on this plan is controlled by a permanent engineered stormwater quality control that has been designed to meet or exceed the guidelines requirements in the Greensboro Watershed Stormwater Management Manual.</del></p> <p>P.E. SEAL _____</p> <p>SIGNATURE _____</p> <p>DATE _____</p>
--

**Table 30-7-1-63**

**ENGINEER'S CERTIFICATION OF STORMWATER CONTROL COMPLETION**

The engineer's certification, required according to Section 30-7-1.6(B) of the Greensboro Development Ordinance and Section 27-22(e) of the Stormwater Management Ordinance upon completion of permanent ~~runoff~~ stormwater control structures, shall be of the following form:

<b>ENGINEER'S CERTIFICATION OF <u>STORMWATER CONTROL</u> COMPLETION</b>
<p>I certify that the permanent <u>stormwater</u> <del>runoff</del> control(s) <del>structure</del> labeled as _____ on this plat (or; on <u>(name of plat)</u> as recorded in PB __, PG __ in the Office of the Guilford County Register of Deeds) has been completed in conformance with the plans and specifications approved on <u>(approval date)</u>, <del>and</del> has its full design volume available, <u>and is functioning as designed.</u></p>
<p>P.E. SEAL _____</p> <p>SIGNATURE _____</p> <p>DATE _____</p>

**TABLE 30-7-2-1  
GENERAL WATERSHED AREA PERFORMANCE STANDARDS**

Development Type	Schedule
1) Low Density Option (see Tables 30-7-1-34 & 30-7-1-4 for density limits)	General Watershed Area Scoresheet (Table 30-7-2-2). A passing score is 120 or more points; or Engineer's Certification-
2) High Density Option	Engineer's Certification

Notes:

1) For the form of the Engineer's Certification, see Table 30-7-1-52 (Engineer's Certification of Stormwater Quality ~~Runoff~~ Control).

**TABLE 30-7-2-2  
GENERAL WATERSHED AREA PERFORMANCE SCORESHEET**

MAXIMUM POINTS	FACTOR	POINT VALUE	POINTS EARNED
25	1. Clustering		
	Minimal	10	
	Moderate	15	
	Major	20	
	Exceptional	25	
25	2. Built-Up Area		
	0-3%	25	
	3.01-7%	20	
	7.01-10%	15	
	10.01-15%	10	
	15.01-20%	5	
25	3. Proximity to Floodway as Defined by FEMA		
	More than 2000 Feet	25	
	1000-2000 Feet	20	
	500-1000 Feet	15	
	100-500 Feet	10	
	50-100 Feet	5	
10	4. Soil Limitations as Defined on Pg.29 and Tbl. 7,Pg.57 Guil. Co. Soil Survey		
	Slight	10	
	Moderate	5	
25	5. Drainage - Protect and Use Natural Drainageways		
	Piped or Improved Drainage With Riprap	5	
	Dispersed Drainage or Protected Drainageways	10	

	Dispersed Drainage and Protected Drainageways (or Dispersed and No Drainageway)	20	
	Enhanced and Protected Natural Drainageways	25	
25	6. Average Pre-development Slope of Land Subject to Grading or Filling		
	0-6%	25	
	6.01-10%	20	
	10.01-15%	5	
25	7. Stream Buffer Along Drainageways		
	No Drainageway Present on Property or Within 50 Feet	25	
	50 Feet, All Wooded Except For Sewers And Required Streets	25	
	50 Feet ,At Least Half Wooded	20	
	50 Feet, No Grading or Fill Except For Sewers and Required Streets	15	
	40 Feet, Same Restriction	10	
25	8. Stormwater (Runoff) Control Strategies		
	Divide the % of Stormwater (Runoff) Controlled by 4		
10	9. Sewage Disposal		
	Public Sewer Service	10	
10	10. Street & Driveway Design		
	With Vegetated Ditches	10	
	With Piped Drainage and/or Curb and Gutter and Energy Dissipaters	5	
33	11. Wooded Area		
	Divide the % of Tract To Remain Wooded by 3 and To Be Thickly Planted in Tree Stands by 6		
	12. Grading Reduction and Other Bonuses		
	NR:<1 Driveway per 300 Feet of Frontage	5	
	All:Creation of Wetlands	Up to 20	
	All:Other Measures	Up to 10	
	Total		

Notes: 1) All plans must have at least 120 points and meet all other requirements to be approved.

2) Use this table for low density option only.

## SUBMISSION REQUIREMENTS

SUBDIVISIONS: Rated prior to approval of preliminary plat.

SITE PLANS: Rated prior to approval of site plan unless lot was prequalified by subdivision.

PROJECTS WITHOUT SITE PLANS: Rated prior to approval of the building permit.

## DEFINITIONS, EXPLANATIONS, AND STANDARDS

- Minimal Clustering* means: in SF that there is 15% or more open space; in MF & NR that buildings and parking are concentrated away from streams and steep slopes.

*Moderate Clustering* means: in SF that there is 25% or more open space; in MF that the Minimal Clustering criteria are met and that at least half of the units are in buildings of 2 stories or more; in NR that Minimal Clustering criteria are met and that parking uses 17 foot space depth and 24 foot aisles, or 8.5 foot space width.

*Major Clustering* means: in SF that there is 35% or more open space or that average lot size is no more than 2,000 sq. ft. larger than the minimum allowed; in MF that at least 75% of the units are in buildings of 2 stories or more, that the number of parking spaces is no more than 5% higher than the Ordinance minimum, and that there is no BUA that could be marked to form additional parking spaces; in NR that the Moderate Clustering Criteria are met, as are the same parking requirements as in MF.

*Exceptional Clustering* means: in SF that there is 45% or more open space or that average lot size is no more than 1,000 sq. ft. larger than the minimum allowed; in MF that the Major Clustering criteria are met and that all units are in buildings of 2 stories or more and some are in buildings of 3 stories or more; in NR that the Major Clustering criteria are met and that at least 20% of the parking spaces are inside buildings of 2 stories or more.
- If land is dedicated to the City as drainageway and open space, measure from the downhill edge of the land not dedicated. If a street crossing that dedication is required by the City, ignore it in measuring.

5. *Protected Drainageway* means drainage is channeled by pervious devices such as sod waterways, berms, channels, or swales which have been constructed to resist soil erosion by either vegetating, netting, rip-rapping, or a combination of those, and which allows infiltration of water into the soil.  
*Dispersed Drainage* means spread out, as opposed to collecting the runoff in channels, so as to effect increased sheet flow and overland flow.  
*Improved Drainageway* means channeled by impervious surfaces such as curb and gutter or concrete (gunnite, bituminous, etc.) channels.  
*Enhanced Drainageway* means carried by existing natural drainageway which have been enhanced to resist soil erosion, including stream bank degradation.
6. *Average Slope* means the maximum inclination of the land surface from the horizontal as measured in percentage slope.  
*Land is Subject to Grading or Filling* if it is in street R/W, in a lot or common area but not covered by a water quality conservation easement, or in an area that will be disturbed before being dedicated to the public.
9. No points will be allowed for on-site septic tank systems or private sewage treatment systems.
11. *Thickly Planted in Tree Stands* means that trees (but not shrubs) are planted at a Type A number and size planting rate. [Sample Calculation: if 30% remains wooded,  $30 \div 3 = 10$  points; and if another 18% is thickly planted in tree stands,  $18 \div 6 = 3$  points; total score is 13 points.]
12. *Other Measures* are measures not covered above but which are deemed effective by, and assigned up to 10 total points by, the TRC.

Abbreviations: BUA= built-upon area, SF= single family detached, MF= multifamily, NR= nonresidential, All= all types

#### 30-7-1.12 Stormwater Quality ~~Runoff~~ Controls

- (A) What Stormwater (Runoff) Is To Be Controlled: Where ~~stormwater runoff~~ control is required by this Article, runoff from the following shall be controlled, and engineered stormwater runoff controls ~~structures~~ and other best management practices (BMPs) shall be sized accordingly.
  - (1) New built-upon area and other new development on the site (but see #4 below);
  - (2) To the extent practicable, existing development on the site (consult with the Enforcement Officer for a determination);
  - (3) Any other on-site runoff that happens to flow into the structure or BMP;
  - (4) Any off-site runoff that happens to flow into the structure or BMP; if untreated built-upon area runoff from off the site is included, then the Technical Review Committee may permit control of that runoff to offset non-control of a lesser, modest amount of on-site built-upon area runoff that would be difficult to control.
- (B) Methods of Stormwater Quality ~~Runoff~~ Control:
  - (1) Developments using the high density option shall use engineered stormwater controls, which may consist of wet detention ponds or alternative stormwater management systems consisting of other treatment options, BMPs or a combination of options approved by the Director of the Division of Water Quality in accordance with 15A NCAC 2B .0104(g). The design criteria for approval shall include ~~meeting the performance standards of control of the first one inch (1") of rainfall and eighty-five percent (85%) total suspended solids (TSS) removal, as well as discharge rate.~~



- (2) Developments using the low density option, if they are required to have stormwater runoff control, shall use either a method allowed under the high density option or, as applicable, a method prescribed in Section 30-7-2 or 30-7-3.

## **30-7-2 GENERAL WATERSHED AREAS (GWA)**

### **30-7-2.1 General Provisions**

- (A) Performance Standards: The watershed development plan for any new development in the GWA shall be prepared and submitted in accordance with the requirements in Table 30-7-2-1 (General Watershed area Performance Standards).
- (B) Stormwater Quality Runoff Control: For developments using the high density option, see Section 30-7-1.12(B)(1) in Methods of Stormwater Quality Runoff Control. Developments using the low density option may use a method allowed in that section or a retention pond, natural infiltration area, filter basin, or other BMP found by the Enforcement Officer to be similarly effective.

### **30-7-2.2 Prohibited Uses**

No new discharging landfills shall be permitted.

## **30-7-3 WATERSHED CRITICAL AREAS (WCA)**

### **30-7-3.1 General Provisions**

- (A) Watershed Critical Area: The Watershed Critical Area is a district covering the portion of the watershed adjacent to a designated existing or proposed water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The WCA boundary shall not be less than one-half (1/2) mile from the normal pool elevation and draining to existing or proposed designated reservoirs.
- (B) Divisions Within the Watershed Critical Area: The WCA consists of four divisions as follows:
  - (1) Tier 1:
    - (a) Tier 1 consists of those lands within two hundred (200) feet of the existing or proposed normal pool elevation and those lands within one-half (1/2) mile (High Point Lake, Oak Hollow Lake, Lake Brandt) or one mile (Lake Townsend) upstream of water intake structure(s).
    - (b) Tier 1 areas are intended for public purpose and should remain undisturbed.
  - (3) Tier 2:
    - (a) Tier 2 consists of those lands lying within an area bounded by Tier 1 and a line parallel to and seven hundred and fifty (750) feet from the normal pool elevation.
    - (b) Tier 2 areas are intended primarily for public purpose. ~~with the following exception. Tier 2 areas surrounding the proposed reservoir at Randleman Lake and intended for public purpose unless and until more~~

~~than twenty five percent (25%) of the WCA for the reservoir becomes urban in character, by meeting any of the tests defined in NCGS Section 160A-48(e).~~

- (3) Tier 3: Tier 3 consists of those lands lying within an area bounded on its inner edge by Tier 2 and on its outer edge by a line parallel to and 3,000 feet from the normal pool elevation, or by the WCA boundary, whichever comes first.
- (4) Tier 4: Tier 4 consists of those lands lying in the area between the outer boundary of Tier 3 and the WCA boundary.

### 30-7-3.2

#### Land Disturbance Minimization

- (A) Soil Erosion and Sedimentation Control Plan: See Section 30-7-4.1 (General requirements) to determine when a soil erosion and sedimentation control plan is required.
- (B) Street Standards: Refer to Article VI (Subdivisions: Procedures and Standards) for the minimum street standards. To the extent practicable, the construction of new roads in the WCA should be avoided.
- (C) Land Disturbance:
  - (1) No land-disturbing activity is allowed within stream buffers, open channel drainageways carrying seventeen (17) cubic feet per second or more based upon the 100-year storm event, fifteen percent (15%) slopes adjacent to drainageways, or water quality conservation easements, except for utilities, watershed devices, and street crossings.
  - (2) Cut or fill activities resulting in slopes of twenty-five percent (25%) or more are not allowed, except to meet minimum safety standards for roadways or minimum building code or health code requirements.
  - (3) The transfer of stormwater from a drainage area of five acres or greater by piping or channeling between sub-basins within the WCA is not permitted unless approved by the Technical Review Committee. The piping or channeling of stormwater from a WCA to a GWA or to a non-watershed basin is allowed.
  - (4) Land Disturbance Limits: The maximum percentage of the usable property that may be disturbed shall be as shown below. The usable property consists of that property not lying in any of the following: stream buffers, open channel drainageways carrying 17 cubic feet per second or more in a 100-year storm, 15 percent slopes adjacent to drainageways, water quality conservation easements, flood plains, or natural wetlands.
    - Tier 1 10%
    - Tier 2 10%
    - Tier 3 60%
    - Tier 4 75%

#### ~~(D)~~—Protection of Fragile Areas:

- (1) Slopes Greater Than Fifteen Percent and Wetlands

- (a) Slopes greater than fifteen percent (15%) lying adjacent and parallel to natural drainageways or streams, and wetlands, shall remain in a natural and undisturbed condition except for road crossings, utilities, soil erosion and sedimentation control devices, and runoff control devices.
  - (b) Dedication of these areas to the local jurisdiction and the public as drainageway and open space may be required wherever authorized by Article VI (Subdivisions: Procedures and Standards) or any other provision in local ordinances.
  - (c) Where such dedication is not required, a water quality conservation easement shall be platted over such wetlands and slopes. Within this easement the natural ground cover and the natural tree canopy must be preserved, with the following exceptions:
    - (i) the cutting or trimming of overcrowded trees is allowed provided that no trees in excess of three (3) inches in diameter as measured twelve (12) inches from the ground are removed;
    - (ii) utilities and erosion control structures can be constructed and maintained;
    - (iii) normal maintenance by mechanical means is allowed for the removal of dead, diseased, deformed, poisonous, or noxious vegetation and pests harmful to health; ~~and~~
    - (iv) mechanical mowing of utilities areas is allowed to control growth; and-
    - (v) Nothing in this Subsection shall supersede the stream buffer requirements of Section 30-7-1.8 (Stream buffer required).
  - (d) Where a water quality conservation easement serves to bring two (2) or more properties into compliance with WCA requirements, the Technical Review Committee may require that the wetlands and slopes covered by such easements be held as common area by an owners' association.
- (2) Drainage
  - (a) Drainage shall be provided by means of open channels.
  - (b) All such areas shall have protected channels or remain in a natural and undisturbed state, except for road crossings, utilities, soil erosion and sedimentation control devices, and runoff control devices.
  - (c) The undisturbed area width shall be the easement width as specified in Article VI (Subdivisions: Procedures and Standards).
- (D) Soils and Terrain: Development on the best soils and terrain of any site is encouraged.
- (E) Clustering: Clustering of residential development may be required by the Technical Review Committee in accordance with Section 30-4-6.1(B) (Single Family Detached Cluster Development).

(A) Prohibited Uses: The following uses shall be prohibited in a WCA district:

Description	SIC Industry Group Major Group Numbers
(1) Agricultural Uses	
Animal Feeder/Breeder .....	0210
Chemical Treatment and Fertilizer Application for Crops, Weed Control for Crop Operations, including Aerial Crop Dusting .....	0710,0721
(2) Business, Professional and Personal Services	
Automobile Rental or Leasing .....	7510
Automobile Repair Services, Major .....	0000
Automobile Repair Services, Minor .....	0000
Automobile Towing and Storage Services .....	7549
Boat Repairs .....	3730
Car Washes .....	7542
Commercial Chemical and Biological Research .....	8731
Equipment Repair, Heavy .....	7690
Agricultural Equipment Repair	
Boiler Cleaning and Repair	
Cesspool Cleaning	
Engine Repair, except automotive	
Farm Machinery Repair	
Industrial Truck Repair	
Machinery Cleaning	
Motorcycle Repair Service	
Rebabbiting	
Repair of Service Station Equipment	
Sewer Cleaning and Rodding	
Tank and Boiler Cleaning Service	
Tank Truck Cleaning Service	
Tractor Repair	
Welding Repair Shops	
Furniture Stripping or Refinishing (including secondary or accessory operations) .....	7641
Heavy Construction Equipment Rental and Leasing .....	7350
Laundromats, Coin-Operated .....	7215
Laundry or Dry Cleaning Plants .....	7211,7216,7217,7218
Lawn Care, Lawn Fertilizing Services, Lawn Spraying Services, Ornamental Shrub & Tree Services with Spraying .....	0780

Pest or Termite Control Services .....	7342
Septic Tank Services .....	7699
Truck Driving Schools .....	8249
Truck & Utility Trailer Rental & Leasing, Light .....	0000
Truck Tractor & Semi Rental & Leasing, Heavy .....	0000
Truck Washing .....	7542
(3) Retail Trade	
Convenience Stores with fuel pumps .....	5411
Fuel Oil Sales .....	5980
Motor Vehicle Sales (new and used) .....	5511
Motorcycle Sales .....	5571
Recreational Vehicle Sales .....	5561
Service Stations, Gasoline .....	5541
Truck Stops .....	5541
(4) Wholesale Trade	
Agricultural Chemicals, Pesticides, Fertilizers .....	5191
Chemical and Allied Products .....	5169
Motor Vehicles .....	5012
Nursery Stock, Plants Potted .....	5193
Paints & Varnishes .....	5198
Petroleum & Petroleum Products .....	5170
Scrap and Waste Materials .....	5093
(5) Transportation, Warehousing, and Utilities	
Air Transportation Facilities .....	4500
Bus Terminal and Service Facilities .....	4100,4170
Hazardous & Radioactive Waste (transportation, storage, and disposal) .....	4953
Inert Debris Landfills, Major .....	0000
Petroleum Contaminated Soil Remediation Disposal Sites .....	0000
Pipelines, except Natural Gas .....	4600
Railroad Terminals or Yards .....	4010
Recycling Processing Centers .....	0000
Refuse & Raw Materials Hauling .....	4212
Sanitary Sewer & Water Treatment Plant Sludge Application Sites .....	0000
Sewage Treatment Plants .....	4952
Solid Waste Disposal (nonhazardous) .....	4953
Trucking or Freight Terminals .....	4230,4213
(6) Manufacturing and Industrial Uses	
Animal Slaughter or Rendering .....	0000
Arms and Weapons .....	3480
Asbestos, Abrasive, and Related Products .....	3290
Asphalt Plants .....	2951
Batteries .....	3690
Chemicals, Paints, & Allied Products .....	2800

Concrete, Cut Stone, & Clay Products .....	3240,3270
Cement, Hydraulic .....	3241
Contractors, Heavy Construction .....	1600
Contractors, Special Trade .....	1700
Dairy Products .....	2020
Fats and Oils, Animal .....	2077
Fats and Oils, Plant .....	2070
Fish, Canned, Cured or Frozen .....	2091
Leather and Leather Products (tanning) .....	3110
Magnetic Optical Recording Media .....	3695
Meat & Poultry, Packing & Processing (no rendering).....	2010
Metal Coating and Engraving .....	3470
Mining and Quarrying .....	1000
Paper Products (no coating or laminating) .....	2670
Paper Products (coating or laminating) .....	2670
Petroleum and Related Products .....	2900
Primary Metal Products & Foundries .....	3300
Pulp and Paper Mills .....	2610
Rubber & Plastics, Misc. ....	3000
Rubber & Plastics, Raw .....	3000
Salvage Yards, Auto Parts .....	5015
Salvage Yards, Scrap Processing .....	5093
Solvent Recovery .....	7389
Surface Active Agents .....	2843
Textile Products (no dying & finishing) .....	2200
Textile Products (with dying & finishing) .....	2260

(B) Containment Structures:

- (1) Storage tanks for fuels and chemicals and associated pumping and piping shall be provided a spill containment system.
- (2) Such containment systems shall be of sufficient volume to contain one hundred percent (100%) of all the tank(s) contents stored in the area and shall have a leak detection system installed.
- (3) The containment system shall be approved by the Enforcement Officer and the Fire Marshall.
- (4) Such tanks and containment structures shall not be placed closer than one thousand (1,000) feet to the normal pool elevation of the existing or proposed reservoir.

(C) Underground Storage Tanks: Underground storage tanks for fuels and chemicals shall not be permitted except as approved by the Planning Board following a finding that overall water quality protection will be enhanced as a result.

(D) Point Source Discharges:

- (1) No expansion of any existing private wastewater facilities or establishment of any new public or private wastewater treatment plants of any kind shall be permitted. On-site individual residential septic systems approved by the Guilford County Health Department are permitted.
- (2) Industrial pre-treatment facilities which prepare wastewater for discharge into a public sewer system shall be permitted in WCA districts.

30-7-3.4 Stormwater Quality ~~Runoff~~ Control in WCA

- (A) Low Density Option: Stormwater r~~Runoff~~ from built-upon area shall be controlled as follows:
  - (1) If the built-upon area is six percent (6%) or less in the Lower Randleman Lake WCA or is twelve percent (12%) or less in any other WCA, a permanent infiltration area meeting the guidelines in the Watershed Manual may be used or an engineered stormwater control ~~wet detention pond~~ or other BMP meeting the performance standards in Section 30-7-1.12(B)(1) may be used.
  - (2) If the built-upon area exceeds twelve percent (12%), a wet detention pond or other BMP meeting the performance standards in Section 30-7-1.12(B)(1) shall be used.
- (B) High Density Option: See Section 30-7-1.12(B)(1).

Section 9. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 10. This ordinance will become effective January 1, 2000.

(Signed) Thomas M. Phillips

.....

Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution closing Hairston Street from Hornaday Road southwestward to its end. The Mayor asked if anyone wished to be heard.

Councilmember Johnson left the meeting at 7:55 p.m. during the above remarks.

There being no one present desiring to speak to this matter, Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson (in absentia as provided for by law), Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

212-99 RESOLUTION CLOSING HAIRSTON STREET – FROM HORNADAY ROAD SOUTHEASTWARD TO ITS END

WHEREAS, the owners of all of the property abutting both sides of Hairston Street have requested in writing that said portion of street be closed and abandoned as a public street;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, December 21<sup>st</sup>, 1999, at 6:00 p.m., on the closing of said portion of street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby finds as a fact that the owners of all of the property abutting both sides of the hereinafter mentioned portion of street have requested in writing that said portion of street be closed.

2. That the City Council hereby finds as a fact that the closing of the portion of street is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of reasonable means of ingress or egress to his or its property.

3. That the following portion of street is hereby permanently closed and abandoned as a public street:

HAIRSTON STREET – FROM HORNADAY ROAD SOUTHEASTWARD TO ITS END

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned street until such time as said line is no longer required by the City.

(Signed) Sandy Carmany

.....

The Mayor stated that this was the time and place set for a public hearing to consider a resolution authorizing on basis of petition widening, curb and gutter improvements on Murraylane Road from Maybrook Drive to dead end. Mayor Holliday asked if anyone wished to speak to this matter.

There being no one present desiring to speak to this matter, Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember D. Vaughan; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson (in absentia as provided for by law), Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

M-244 RESOLUTION ORDERING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS

MURRAYLANE ROAD FROM MAYBROOK DRIVE TO DEAD END

WHEREAS, due notice has been given that on the 21st day of December, 1999 at 6:00 p.m. in the Council Chamber in the Municipal Office Building a public hearing would be held on the improvements hereinafter described and that all objections to the legality of the making of the improvements are required by law to be made in writing, signed in person or by attorney, and filed with the City Clerk at or before the time of the public hearing; and

WHEREAS, the public hearing has now been held and no objections have been made to the making of the improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

A. That the street or streets hereinabove set out is/are

MURRAYLANE ROAD FROM MAYBROOK DRIVE TO DEAD END

B. That the local improvements to be made on the street or streets set out above are as follows:



Roadway Paving Improvements – The street or streets hereinabove named within the limits defined to be paved a maximum of 30 feet in width with stone base asphaltic concrete surface, the paving to include grading, construction of storm sewers, and necessary laterals, laying of concrete curbs and gutters, and all other work incidental to the paving.

C. That the proportion of the cost of the improvements to be assessed against the abutting property and the terms of payment will be as provided in the Notice of Public Hearing which was served on the owners of the property to be assessed.

D. That this resolution be published one time in a newspaper published in the City of Greensboro as notice of the matters herein set out.

(Signed) Earl Jones

.....

Mayor Holliday stated that this was the time and place set for a public hearing to confirm assessment roll for water and sewer improvements on Boulder Road from S. Chimney Rock Road to the City Limits. The Mayor asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember D. Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson (in absentia as provided for by law), Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

#### B-315 RESOLUTION CONFIRMING ASSESSMENT ROLL FOR LOCAL IMPROVEMENTS

##### BOULDER ROAD FROM S. CHIMNEY ROCK ROAD TO THE CITY LIMITS

WHEREAS, on the 7th day of September, 1993, the City Council of the City of Greensboro adopted a resolution ordering the making on the street or streets hereinabove set out of the following improvements:

- (a) Water Main Improvements. That a water main be laid on the Street or streets hereinabove named within the limits defined, and that necessary laterals be laid for the proper connection of abutting property with the water main.
- (b) Sewer Main Improvements. That a sanitary sewer main be laid on the street or streets hereinabove named within the limits defined, and that necessary laterals be laid for the proper connection of abutting property with the sewer main.

AND, WHEREAS, the improvements have now been completed, and the City Council has ascertained the total cost thereof and the amount that should be assessed against each lot abutting on the improvements on account of the improvements and has caused to be prepared a general plan map of the improvements, on which map is shown the frontage and location of each lot on the street or streets improved, together with the owners thereof, as far as the same can be ascertained, the plan map being marked:

##### BOULDER ROAD

From South Chimney Rock Road to the City Limits

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the total cost of the improvements is hereby designated to be the amount shown thereof on said general plan map.

2. That the City Council finds as a fact that each lot abutting on the improvements has been specially benefited by the improvements in the amount assessed against such lot as shown by the preliminary assessment roll.

3. That the general plan map is hereby confirmed at 6:00 p.m., on the 21<sup>st</sup> day of December, 1999, and is hereby made the final assessment roll for the improvements.

4. That the City Clerk is hereby directed to enter on the minutes of this council and the assessment roll the date, hour and minute of the confirmation thereof and to deliver a copy of the assessment roll to the City Tax Collector.

5. That, after the expiration of 20 days from this date, the City Clerk shall cause to be published one time in some newspaper published in the city a notice that any assessments contained in the assessment roll may be paid in full to the City Tax Collector without interest thereon at any time before the expiration of 30 days.

6. That, if the owners of the lots against which the assessments have been made do not exercise their option to pay the same in cash as hereinabove provided, then the same shall be payable in five equal installments as provided in the original resolution ordering the making of the improvements, such installments to bear interest at the rate of six percent per annum from this date.

7. That the first of the installments with interest thereon shall become due and payable on the first day of September next following the date that payments may be made without interest. One subsequent installment with interest thereon shall be due and payable on the first day of September of each successive year until the assessments have been paid in full.

(Signed) Donald R. Vaughan

.....

The Mayor stated that this was the time and place set for a public hearing to consider a resolution authorizing grant reimbursement agreement with United Health Group for utilities and site improvements pursuant to N.C.G.S. 158-7.1. Mayor Holliday asked if anyone wished to be heard.

Tom Stapleton, Director of Business Assistance and Development, briefly outlined the incentive request for infrastructure reimbursement for the United Health Group and advised that the request met the intent of the Greensboro Economic Development Guidelines adopted by the City Council. He stated Greensboro was one of the cities being considered as the site for this development and thereupon detailed the proposed project location, impact on the job market, the Company's monetary investments and subsequent benefits this development would bring to the City.

Councilmember Johnson re-entered the Chamber at 7:58 during the above discussion.

Meg Steinberg, Vice President of United Health Care, 2307 West Cone Boulevard, introduced other company associates who were present in the Chamber to support this request. She spoke to the proposed location of this development, offered details about the company's operation and financial status, detailed employment statistics if Greensboro were selected as the site for this development and requested Council to approve the incentive request.

Chip Hagan, residing at 305 Meadowbrook Terrace, spoke in support of this request and stated that this development would have a low impact on community resources and would not negatively impact the community. He spoke to this existing company's plans for expanding its operation, detailed the broad range of jobs being offered, and reviewed the important contributions of company employees to the community.

Council discussed individual opinions and concerns with respect to this request and the purpose of economic development incentives in general; a number of the members of Council offered rationale for their support of this request. Stating that he believed economic development incentives should be used to meet the goals and needs of the City and should not be automatically be approved upon request, Councilmember Phillips stated that, in his opinion, this request did not help meet those goals. Councilmember N.Vaughan agreed that these incentive moneys should be used to direct growth in City areas of need.

After additional discussion, Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins and D. Vaughan. Noes: Phillips and N. Vaughan.

213-99 RESOLUTION AUTHORIZING GRANT REIMBURSEMENT AGREEMENT WITH UNITED HEALTH GROUP, FOR SITE IMPROVEMENTS PURSUANT TO N.C.G.S. 158-7.1

WHEREAS, the City Council approved and adopted economic development incentive guidelines on December 5, 1994, and amended these guidelines on June 25, 1996, to allow the City to participate financially in the development of certain private and/or infrastructure improvements to promote economic development in accordance with said guidelines;

WHEREAS, United Health Group plans to expand their existing facility and build an additional facility inside the corporate limits of the City of Greensboro;

WHEREAS, United Health Group has requested that the City offer economic incentives to provide a grant reimbursement for various site infrastructure improvements as defined under our policy, which reimbursement shall not exceed \$340,762.00, said amount to be based on a portion of anticipated taxes to be derived by the City over a three-year period upon completion of the project;

WHEREAS, it is further anticipated that United Health Group, will invest nearly \$19.5 million dollars, employ up to 860 additional persons over a three year period, and pay wages that are on average, at or in excess of \$558.58 per week;

WHEREAS, a public hearing has been held in accordance with N.C.G.S. 158-7.1 setting out the particulars of the request and the public benefits to be derived from said improvements;

WHEREAS, it is deemed in the best interest of the City to enter into a participatory agreement with United Health Group to share the cost of the above mentioned improvements whereby the City shall reimburse United Health Group, up to \$340,762.00 based on a portion of new anticipated taxes to be received from the new project over a period of three years.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That in accordance with the City's economic development incentive guidelines and pursuant to N.C.G.S. 158-7.1, a grant reimbursement and participatory agreement between the City of Greensboro and United Health Group, for site improvements is hereby approved, and the Mayor and City Clerk are hereby authorized to execute, on behalf of the City of Greensboro, the proper agreement.

(Signed) Earl Jones

.....

Mayor Holliday declared a recess at 8:28 p.m.

The meeting re-convened at 8:38 p. m. with all members of Council present.

.....

Councilmember Carmany removed items 27 and 34 from the Consent Agenda. Councilmember Perkins removed item 35 from the Consent Agenda.

Moving to the remaining items on the Consent Agenda, Mayor Holliday read the titles of the following ordinances as required by the Greensboro Code of Ordinances:

- Ordinance amending in the amount of \$2,120 State and Federal Grants Fund Budget to assist in the creation of the State GIS data clearinghouse
- Ordinance amending in the amount of \$84,423 Grant Project Budget for FY 99-00 MPO
- Ordinance amending in the amount of \$436,092 the Job Training Consortium Fund for the establishment of the Workforce Investment Act (WIA) Fund
- Ordinance amending in the amount of \$545,370 the State and Federal Grant Project Fund Budget for administrating Homestead's building builder's project
- Ordinance amending in the amount of \$50,000 the State and Federal Grants Fund Budget for the continued authorization of the Weed and Seed Project of the Greensboro Police Department
- Ordinance amending in the amount of \$257,200 the State and Federal Grants Fund Budget for the authorization of Federal Forfeiture Funds in the Greensboro Police Department

After the Mayor thereupon requested a motion to adopt ordinances, resolutions and motions listed on the Consent Agenda, as amended, Councilmember Johnson moved its adoption. The motion was seconded by Councilmember Jones; the Consent Agenda was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

99-207 AN ORDINANCE AMENDING STATE AND FEDERAL GRANTS FUND BUDGET  
TO ASSIST IN THE CREATION OF THE STATE GIS DATA CLEARINGHOUSE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State and Federal Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State and Federal Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-2550-01. 4140	Roster Wages	\$600
220-2550-01. 5212	Computer Software	600
220-2550-01. 5520	Seminar/Training	<u>920</u>
TOTAL:		\$2,120

And, that this increase is financed by increasing the following State and Federal Grant Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-2550-01.7110	State Grant	\$2,120

(Signed) Yvonne J. Johnson

.....

99-208 ORDINANCE AMENDING GRANT PROJECT BUDGET FOR FY 99-00 MPO PLANNING WORK  
PROGRAM

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appropriation for the State and Federal Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4503-01.5413	Consultant Services	\$67,538
220-4503-01.5928	In-Kind Services	<u>16,885</u>
		\$84,423

and, that this increase be financed by increasing the following State and Federal Grants Fund accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4503-01.7100	Federal Grant	\$67,538
220-4503-01.8695	Local In-Kind Services	<u>16,885</u>
		\$84,423

(Signed) Yvonne J. Johnson

.....

#### 99-209 ORDINANCE AMENDING THE FY 99-00 ANNUAL BUDGET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the FY 99-00 Annual Budget of the City of Greensboro is hereby amended as follows:

#### SECTION 1

That a new fund be established to account for the Workforce Investment Act (WIA); and

That the appropriation for the Workforce Investment Act Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
216-0210-10.4000	Salaries & Benefits	\$ 43,608
216-0220-20.4000	Salaries & Benefits	136,000
216-0220-24.5000	Maintenance & Operations	91,415
216-0240-40.4000	Salaries & Benefits	19,000
216-0240-44.5000	Maintenance & Operations	12,500
216-0230-30.4000	Salaries & Benefits	80,000
216-0230-30.5000	Maintenance & Operations	<u>53,569</u>
		\$436,092

and, that this increase be financed by increasing the following Workforce Investment Act Fund accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
216-0220-20.7100	Federal Grants	\$227,415
216-0240-40.7100	Federal Grants	31,500
216-0230-30.7100	Federal Grants	133,569
216-0210-10.7100	Federal Grants	<u>43,608</u>
		\$436,092

#### SECTION 2

That the appropriation for the Job Training Consortium Fund be decreased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
215-0299-20.5990	Contingency	\$252,683
215-0299-30.5990	Contingency	35,000

215-0299-60.5990	Contingency	<u>148,409</u>
		<b>\$436,092</b>

and, that this decrease be financed by decreasing the following Job Training Consortium Fund accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
215-0299-20.7100	Federal Grants	\$252,683
215-0299-30.7100	Federal Grants	35,000
215-0299-60.7100	Federal Grants	<u>148,409</u>
		<b>\$436,092</b>

(Signed) Yvonne J. Johnson

.....

99-210 ORDINANCE AMENDING THE STATE AND FEDERAL GRANT PROJECT FUND BUDGET FOR ADMINISTRATING HOMESTEAD'S BUILDING BUILDERS PROJECT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the FY 99-00 Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State and Federal Grant Project Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3047-01.5931	Contributions to Non-Govt/Agencies	\$392,028
220-3047-01.5920	In-Kind Services	<u>153,342</u>
TOTAL:		<b>\$545,370</b>

and, that this increase be financed by increasing the following State and Federal Grant Project Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3047-01.7110	State Grant	\$392,028
220-3047-01.8695	Local In-Kind Services	<u>153,342</u>
TOTAL:		<b>\$545,370</b>

(Signed) Yvonne J. Johnson

.....

99-211 ORDINANCE AMENDING THE STATE AND FEDERAL GRANTS FUND BUDGET FOR THE CONTINUED AUTHORIZATION OF THE WEED AND SEED PROJECT OF THE GREENSBORO POLICE DEPARTMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State and Federal Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State and Federal Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
----------------	--------------------	---------------

220-3510-02.4210	Overtime	\$42,050
220-3510-02.4510	FICA	950
220-3510-02.4520	Retirement	<u>7,000</u>
TOTAL:		\$50,000

and, that this increase be financed by increasing the following State and Federal Grants Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3510-02.7100	Federal Grant	\$50,000

(Signed) Yvonne J. Johnson

.....

99-212 ORDINANCE AMENDING THE STATE AND FEDERAL GRANTS FUND BUDGET FOR  
THE AUTHORIZATION OF FEDERAL FORFEITURE FUNDS IN THE GREENSBORO  
POLICE DEPARTMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State and Federal Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State and Federal Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3510-12.6059	Other Capital Equipment	\$257,200

and, that this increase be financed by increasing the following State and Federal Grants Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3510-12.7104	Federal Forfeiture Property	\$257,200

(Signed) Yvonne J. Johnson

.....

214-99 RESOLUTION APPROVING AN ADDITION IN THE STATE HIGHWAY SYSTEM WITHIN THE  
CORPORATE LIMITS OF THE CITY OF GREENSBORO

Whereas, the North Carolina Department of Transportation agreed to help fund the construction of Industrial Village Road from Triad Drive south for 0.32 miles;

And whereas, the newly constructed portion of Industrial Village Drive must be included on the State Highway System for the State to provide funds for the improvement;

And whereas, the State has requested that the subject 0.32 mile section of Industrial Village Drive be added to the State Highway System;

And whereas, Industrial Village Road Extension has a properly dedicated right-of-way and an approved final inspection by NCDOT;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GREENSBORO:

That the request by NCDOT to include the recently completed section of Industrial Village Road from Triad Drive to a point 0.32 miles south, covering a total distance of 0.32 miles, to be include into the State Highway System Streets is hereby approved and shall become effective upon approval by the North Carolina Department of Transportation.

(Signed) Yvonne J. Johnson

.....

215-99 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING THE PURCHASE OF PROPERTY OF HAZEL W. WYRICK FOR LANDFILL BUFFER

WHEREAS, in connection with the Landfill Buffer, the property owned by Hazel W. Wyrick along Rankin Mill Road and Huffine Mill Road at Tax Map Nos. 4-189-464-N-17A&B, 4-189-464-N-14 and 4-189-464-N-15 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$155,500.00, which appraisal, in the opinion of the City Council, is fair and reasonable;

WHEREAS, the owner has agreed to convey said property to the City at the appraised price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appraisal of the above mentioned portion of property in the amount of \$155,500.00 is hereby approved, and the purchase of the property in accordance with the appraisal is hereby authorized, payment to be made from account No. 553-6509-03.6011 CBR 005.

(Signed) Yvonne J. Johnson

.....

216-99 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN PORTION OF THE PROPERTY OF MICHAEL LEE CURL AND WIFE, KAREN BOWES CURL, IN CONNECTION WITH THE LANDFILL BUFFER PROJECT

WHEREAS, Michael Lee Curl and wife, Karen Bowes Curl are the owners of certain property located on 1223 Rankin Mill Road, McLeansville, NC, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Landfill Buffer Project;

WHEREAS, negotiations with the owners at the appraised value of \$176,000.00 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owners in the amount of \$176,000.00;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is



hereby authorized to issue a draft in the amount of \$176,000.00 to the Clerk of Superior Court as compensation to the owners, payment to be made from Account No. 553-6509-03.6011 CBR 005.

(Signed) Yvonne J. Johnson

.....

217-99 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING THE PURCHASE OF PROPERTY OF ROBERT C. GORDON LIMITED FAMILY PARTNERSHIP AND KENT C. & DOROTHY M. MOORE FOR WEST MARKET STREET WATERLINE

WHEREAS, in connection with the West Market Street Waterline Project, the property owned by Robert C. Gordon Limited Family Partnership and Kent C. and Dorothy M. Moore along Walnut Circle at Tax Map Nos. 381-1-7, 8, 9 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$18,200.00, which appraisal, in the opinion of the City Council, is fair and reasonable;

WHEREAS, the owner has agreed to convey said property to the City at the appraised price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appraisal of the above mentioned portion of property in the amount of \$18,200.00 is hereby approved, and the purchase of the property in accordance with the appraisal is hereby authorized, payment to be made from account No. 501-7061-01.6012 CBR 010.

(Signed) Yvonne J. Johnson

.....

218-99 RESOLUTION GRANTING ENCROACHMENT FOR AN EASEMENT ON STREET RIGHTS-OF-WAYS TO THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO AS FOLLOWS: CROSSING MCIVER STREET AT 276' FROM THE INTERSECTION NORTH OF CARR STREET AND 379 FEET SOUTH OF WALKER AVENUE TO INSTALL A TOTAL OF 175 LINEAR FEET DUCTBANK OF FIBER OPTIC CABLE TO SERVE THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO

WHEREAS, the University of North Carolina at Greensboro has requested an encroachment easement from the City for the underground installment of 175 linear feet of private fiber optic cable in order to serve the school by providing a communication link between the University;

WHEREAS, plans have been submitted to the City Utilities Coordinator for approval of the construction of the communications line which would require boring under McIver Street as shown on the attached map;

WHEREAS, following installation of said cable, the University of North Carolina at Greensboro will provide the necessary repair, if any, of the street in compliance with City standards;

WHEREAS, the University of North Carolina at Greensboro falls under the category of "governmental institution" and therefore is excluded from paying an encroachment fee;

WHEREAS, in the opinion of the City Council, such encroachment easement for the installation of communications cable will neither cause a public nuisance nor unreasonably interfere with the use of the streets and sidewalks by the public.

NOW THEREFORE, IT BE RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That pursuant to Section 4.128(c) of the Charter of the City of Greensboro, the University of North Carolina at Greensboro is hereby authorized to encroach in the above described street right-of-way for the installation of fiber optic cable in McIver Street as shown on the attached map.

(Signed) Yvonne J. Johnson

.....

219-99 RESOLUTION AUTHORIZING ENCROACHMENT AGREEMENT WITH MARK JONES AND WIFE, MICHELE JONES, TO PERMIT A BUILDING AT 819 IDLEWOOD DRIVE TO REMAIN OVER AN EXISTING RAW WATER EASEMENT

WHEREAS, Mark Jones and wife, Michele S. Jones, have requested that the City permit an existing building to continue to remain over an existing raw water easement located at 819 Idlewood Drive;

WHEREAS, the owners have agreed to enter into an Agreement with the City of Greensboro which, among other things, will indemnify the City from any claim or damages that may occur due to the raw water line being located under the existing building;

WHEREAS, it is deemed in the best interest of the City to permit the encroachment of said building in accordance with the terms and conditions of an Agreement presented herewith this day:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro an appropriate encroachment agreement with Mark Jones and wife, Michele Jones, to permit the building located at 819 Idlewood Drive to remain over an existing raw water easement all in accordance with the terms and conditions set out therein.

(Signed) Yvonne J. Johnson

.....

220-99 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 1999-24 WITH ENVIRONMENT PIPELINE INSPECTIONS FOR SANITARY SEWER REHABILITATION PROJECT D IMPROVEMENTS

WHEREAS, after due notice, bids have been received for sanitary sewer improvements for the sanitary sewer rehabilitation project D improvements;

WHEREAS, Environment Pipeline Inspections, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$279,310.00 as general contractor for Contract No. 1999-24, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Environment Pipeline Inspections is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 503-7062-01.6017 CBR 003.

(Signed) Yvonne J. Johnson

(A tabulation of bids for the Environment Pipeline Inspections for Sanitary Sewer Rehabilitation Project D is filed with the above bid and is hereby referred to and made a part of these minutes.)

.....

Motion to approve report of budget adjustments for November 1-30, 1999 was unanimously approved. (A copy of the report is filed in Exhibit Drawer N, Exhibit Number 1, which is hereby referred to and made a part of these minutes.)

.....

Motion to approve minutes of regular and organizational meetings of December 7, 1999 were unanimously approved.

.....

Mayor Holliday introduced a resolution authorizing change order in Contract No. 1997-17 with Crowder Construction Company for the T. Z. Osborne Wastewater Reclamation Facility 30 MGD Expansion and Upgrade Phase III, Contract 3 improvements which had been removed from the Consent Agenda by Councilmember Carmany.

In response by an inquiry from Councilmember Carmany, the Manager explained why the change order was necessary and advised that the cost would be added to the amount of damages the City would attempt to recover from the terminated contractor.

Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

**221-99 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 1997-17 WITH CROWDER CONSTRUCTION COMPANY FOR THE TZ OSBORNE WW RECLAMATION FACILITY 30 MGD EXPANSION AND UPGRADE PHASE III, CONTRACT 3 IMPROVEMENTS**

WHEREAS, the City has contracted with Crowder Construction Company to complete the TZ Osborne WW reclamation facility 30 MGD expansion and upgrade phase II, contract 3 improvements under a time and materials contract, Contract No. 1997-17;

WHEREAS, in order to secure the best possible bid for the completion of the project, the City elected to not put the contractor at risk for equipment which may have been damaged or deteriorated on the site and the Contractor did not include in their original bid the cost for replacing this equipment, thereby necessitating multiple change orders in the contract totaling the amount of \$156,555.76.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:**

That a change order in the above-mentioned contract with Crowder Construction Company for the T Z Osborne WW Reclamation Facility 30 MGD Expansion and Upgrade Phase III, Contract 3 Improvements is hereby authorized at a total cost of \$156,555.76, payment of said additional amount to be made from Account No. 509-7056-01.

(Signed) Sandy Carmany

.....

Mayor Holliday introduced a resolution approving and authorizing utility agreement with the North Carolina Department of Transportation for the I-85 Bypass Project which had been removed from the Consent Agenda by Councilmember Carmany.

Councilmember Carmany and other members of Council discussed opinions and concerns with respect to this matter; the Manager provided details of the agreement related to the location of the proposed water and sewer line stub-outs related to the I-85 Bypass Project, staff's recommendation to approve the agreement, and the potential savings for the City to have the work completed in this manner.

After discussion, Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: Carmany.

**222-99 RESOLUTION APPROVING AND AUTHORIZING UTILITY AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE I-85 BYPASS PROJECT**

WHEREAS, NCDOT is currently involved in the I-85 Bypass project;

WHEREAS, the City has requested NCDOT to include water and sewer line stub-outs under the proposed roadway in order to avoid costly boring under the roadway in the future;

WHEREAS, the City of Greensboro and NCDOT have agreed to enter into a Utility Agreement whereby NCDOT performs the installation of the stub-outs in the proposed roadway and the City and County shall reimburse the State for the construction cost;

WHEREAS, NCDOT has estimated that the construction cost for this project is \$552,798.45;

WHEREAS, it is deemed in the best interest of the City to enter said Utility Agreement with NCDOT in accordance with the terms and conditions therein and such Agreement is presented herewith this day.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:**

1. That a Utility Agreement with NCDOT is hereby approved and the City Manager is hereby authorized to execute said Agreement on behalf of the City with payment to be made from Account No. 503-7061-01.6016.

(Signed) Claudette Burroughs-White

.....

Mayor Holliday introduced a resolution approving bid and authorizing execution of Contract No. 99-000531 with Greensboro Contracting Corporation for Cone Annex Building Organization Development and Communications Division Improvements which had been removed from the Consent Agenda by Councilmember Perkins.

After an inquiry by Councilmember Perkins, the Manager advised these improvements were related to the location of the Organizational Development and Communications Division for office space currently located in the Sanford Smith Building.

Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

**223-99 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 99-000531 WITH GREENSBORO CONTRACTING CORPORATION FOR CONE ANNEX BUILDING ORGANIZATIONAL DEVELOPMENT AND COMMUNICATIONS DIVISION IMPROVEMENTS**

WHEREAS, after due notice, bids have been received for the Cone Annex Building Organizational Development and Communications Division improvements;

WHEREAS, Greensboro Contracting Corporation, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$377,286.00 as general contractor for Contract No. 99-000531, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Greensboro Contracting Corporation is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 436-2531-01.6013 CBR 001.

(Signed) Earl Jones

(A tabulation of bids for improvements for the Cone Annex Building is filed with the above resolution and is hereby referred to and made a part of these minutes.)

.....

Mayor Holliday introduced an ordinance amending Chapter 17 of the Greensboro Code of Ordinances with respect to Nuisances.

Bill Burckley, residing at 701 Morehead Avenue, spoke briefly to the history of the nuisance ordinance and the purpose of this technical correction; he requested Council to approve the amendment.

Members of Council discussed with staff various opinions and concerns related to the proposed amendments; i.e., the fact that porches and open carports are included in the definition of "open place", specific items which would be considered a nuisance under the proposed ordinance, the notification process for violators and property owners, penalties for violations, the option for Council to revisit the ordinance if necessary, etc.

Councilmember Carmany moved adoption of the ordinance. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

99-213 AMENDING CHAPTER 17

AN ORDINANCE AMENDING CHAPTER 17 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO NUISANCES

Be it ordained by the City Council of the City of Greensboro:

Section 1. That Section 17-1. of the Greensboro Code of Ordinances is hereby amended to read as follows:

"Sec. 17.1. Nuisances prohibited; enumeration.

(a)The following enumerated and described conditions are found, deemed and declared to constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the city and are found, deemed and declared to be public nuisances wherever the same may exist and the creation, maintenance, or failure to abate any nuisances is hereby declared unlawful:

- (1) Any condition which constitutes a breeding ground or harbor for rats, mosquitoes, harmful insects, or other pests.

- (2) A place of dense growth of weeds or other noxious vegetation over twelve (12) inches in height except for those lands dedicated and accepted by the city as floodplain and open space which are established in order to preserve natural greenways and/or natural connecting networks along floodways, streams and creeks.
- (3) An open place of concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials or objects of a like nature.
- (4) An open place of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind.
- (5) Hides, dried or green, provided the same may be kept when thoroughly cured and odorless.
- (6) Any furniture, appliances, or metal products of any kind or nature openly kept which have jagged edges of metal or glass, or areas of confinement.
- (7) Any condition which blocks, hinders, or obstructs in any way the natural flow of branches, streams, creeks, surface waters, ditches, or drains, to the extent that the premises is not free from standing water.

(b) For the purpose of enforcement of this article, an open place is defined as an area of property or portion thereof that is open, including building openings of residential dwelling units that are open to the exterior, such as attached carports, or porches, and any other exterior portions of properties ordinarily exposed to public view.”

Section 2. That all the laws and clauses of the laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon adoption.

(Signed) Sandy Carmany

.....

The Mayor introduced an ordinance amending Chapter 16 of the Greensboro Code of Ordinances with respect to motor vehicles and traffic.

After a brief explanation by the Manager and discussion by Council, Councilmember N. Vaughan moved adoption of the ordinance. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

99-214 AMENDING CHAPTER 16

AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO MOTOR VEHICLES AND TRAFFIC

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Section 16-105 of the Greensboro Code of Ordinances is hereby amended by deleting the current Section and replacing it with the following:

Sec. 16-105. “U” turns and turning around.

It shall be unlawful to make a “U” turn or turn around, by driving or backing into any street or at any intersection unless such movement can be made in safety and provided that the intersection or street is not regulated by an official traffic-control device prohibiting such turning or backing.

Section 2. That all ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon adoption.

(Signed) Nancy Vaughan

.....

The Mayor introduced a resolution amending the expiration date of Resolution 141-99 regarding voluntary annexations and extension of water and sewer lines.

The Manager recommended that Council extend the existing policy regarding voluntary annexations and extension of water and sewer lines to areas no further than one mile outside the city limits until further action or further notice rather than a specific date.

After discussion with the Manager about Greensboro's water situation and the ability to acquire additional water for emergency situations, Councilmember Jones stated he believed this was poor planning and would hurt economic development.

Councilmember Phillips moved adoption of the resolution. The motion was seconded by Councilmember Burroughs-White; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Perkins, Phillips, Vaughan and Vaughan. Noes: Jones.

224-99 RESOLUTION AMENDING THE EXPIRATION DATE OF RESOLUTION 141-99 REGARDING VOLUNTARY ANNEXATIONS AND EXTENSION OF WATER AND SEWER LINES

WHEREAS, the City adopted a policy regarding voluntary annexations and extension of water and sewer lines on April 20, 1999 and August 2, 1999;

WHEREAS, the City continues to face several critical issues in providing water and sewer service;

WHEREAS, the City has adopted a water conservation ordinance and has implemented from time to time phases of this ordinance;

WHEREAS, due to delays in the permitting of Randleman Dam, it is in the best interest of the City to continue to limit extensions to our water system;

WHEREAS, the City has purchased water from High Point and Winston-Salem and has entered into a contract with the City of Reidsville to provide an additional source of water until the Randleman Dam Project is completed;

WHEREAS, a strategy for water conservation is essential to both immediate and long term planning and development and for the protection of public health, safety and welfare;

WHEREAS, it is deemed in the best interest of the citizens of Greensboro to enact a growth policy governing voluntary annexations;

WHEREAS, it is deemed in the best interest of the City to extend the effective period of the policy adopted August 2, 1999, which established revised criteria for extension of water and sewer lines;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the described and attached policy is hereby extended establishing criteria for voluntary annexations and for the extension of water and sewer services outside of Greensboro City limits.

2. That this policy shall continue in effect until, further study and action of this Council.

(Signed) Thomas M. Phillips

\* \* \* \*

#### POLICY FOR EXTENSION OF WATER AND SEWER LINES AND VOLUNTARY ANNEXATIONS

All properties located within the city limits of the City of Greensboro at the time of the enactment of this resolution shall be eligible for water and sewer service. For those properties outside the city limits of the City of Greensboro, extension of water and/or sewer service will be allowed only to those persons, firms or corporations whose properties lie entirely or partly within one (1) mile of Greensboro's corporate limits as of April 20, 1999, are eligible under North Carolina law to be immediately annexed into the City of Greensboro, and are covered by a voluntary annexation petition executed pursuant to either N.C.G.S. 160A-31 or N.C.G.S. 160A-58.1, except that service to the following will be allowed:

- A. Guilford County Schools within the service perimeter area which are approved by the City of Greensboro and Guilford County.
- B. Areas within the boundaries of the Piedmont Triad Airport Authority.
- C. Properties for which there is, as of the date of the adoption of this policy, a recorded Utility Agreement and Annexation Petition or an approved master plan, approved site plan, or approved preliminary subdivision plan calling for City water and/or sewer service.
- D. Any single-family residential lot existing as of the date of the adoption of this policy, located in an unincorporated area and directly abutting a water and/or sewer line may make one connection to the system.
- E. Property covered by previously existing reciprocal water and/or sewer service agreements with other municipalities.

Properties outside the city limits (within one mile as defined above) that are not covered by Sections A through E above but become eligible for water service may install water main extensions but shall not connect them to the City of Greensboro water line system until water from Reidsville is flowing into the Greensboro water line system.

The City of Greensboro will not process any petition for voluntary annexation on a property that needs City water and/or sewer in order to be developed but cannot obtain it due to this policy. However, this policy shall not prevent annexation of properties already receiving City water and/or sewer service, regardless of location.

This policy shall continue in effect until further study and action of this Council.

.....

Mayor Holliday introduced an ordinance amending the Housing Partnership Fund Budget for supplemental funding of Project Homestead for Park Grove Development.

Andy Scott, Director of Housing and Community Development, reviewed information with respect to the Park Grove Subdivision; i.e., details of the Community Resource Board's approval of funds for 52 lots in Phase I of the development, the funding gap that existed at the time City money was allocated, details regarding Project Homestead's takeover as developer of the project, and the cost overruns on the development side of the project. Mr. Scott stated that Project Homestead was now requesting a supplemental appropriation for the subdivision and advised there were no housing funds available to address this request. Council discussed at length with Mr. Scott all financial matters related to this subdivision.



Michael King, representing Project Homestead, 640 Martin Luther King Jr. Drive, spoke to the work of this non-profit organization; provided information with respect to the Park Grove Subdivision; detailed responsibilities involved with Project Homestead's assumption of the role of developer for this subdivision; detailed the organization's efforts to secure various funding sources for this project; and discussed at length information with regard to financial issues related to this development, including second mortgages and the shortfall the organization had experienced with respect to this project. He explained why his organization needed a supplemental appropriation from the City for the subdivision and the short timeframe in which he had to obtain funds to meet development deadlines. He requested the Council to continue its partnership with Project Homestead and provide \$500,000 for the Subdivision and reimburse the organization for the completed work on 16<sup>th</sup> Street.

The City Attorney discussed with Council the legal requirements involved with the use of Powell Bill funds and explained the complicated situation created at this project because the former developer did not comply with the City requirements related to the bid process for the work on 16<sup>th</sup> Street.

Council discussed various opinions and concerns with respect to Project Homestead's requests for additional funds for this project, details about the 16<sup>th</sup> Street construction and percentage of completion, the failure of the original developer to complete the development project and comply with the required bidding process, the manner in which Powell Bill funds could be used and the fact that the extension of 16<sup>th</sup> Street did not meet the criteria for the use of those moneys, the source of City funds that could be used to address Project Homestead's request for a supplemental appropriation, and the need to implement a policy whereby staff would more closely scrutinize certain projects and related agreements.

The Manager advised that because he had not received information related to these funding requests in a timely manner, he was not prepared to respond to Council's questions about the requests.

The City Attorney stated that if Council wished to appropriate funds for these requests, Council must approve the ordinance and then consider an additional motion to address the issue of reimbursement to Project Homestead for completed work on 16<sup>th</sup> Street.

After lengthy discussion with regard to all aspects of the development project and Mr. King's requests for funding, Councilmember Burroughs-White moved adoption of the Ordinance amending the Housing Partnership Fund Budget for supplemental funding of Project Homestead for Park Grove Development. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: Carmany. Councilmember Perkins stated he would support the ordinance if non-profit organizations were designated to develop the remaining lots; it appeared to be the consensus of Council to support this position.

99-215 ORDINANCE AMENDING THE HOUSING PARTNERSHIP FUND BUDGET FOR SUPPLEMENTAL FUNDING OF PROJECT HOMESTEAD FOR PARK GROVE DEVELOPMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the FY 99-00 Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Housing and Community Development Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
211-2205-05.5931	Contribution to Non-Govt Agency	\$500,000

and, that this increase be financed by increasing the following Housing and Community Development Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
211-0000-00.9101	Transfer from General Fund	\$500,000

(Signed) Claudette Burroughs-White

.....

After further discussion with the City Attorney with regard to the appropriate motion that Council should adopt to approve payment for completed work on 16<sup>th</sup> Street, Councilmember Phillips thereupon moved that Council approve payment of claim to Project Homestead for paving improvements to 16<sup>th</sup> Street Extension on a quantum merit basis (fair market value) at a rate of \$150 per foot and to allow partial payment for completed work. The motion seconded by Councilmember D. Vaughan and adopted on the following roll call vote: Ayes: Burroughs-White, Holliday, Johnson, Jones, Perkins Phillips, Vaughan and Vaughan. Noes: Carmany.

.....

After the Manager advised of two addendum items, Mayor Holliday introduced a resolution calling a public hearing for January 4, 2000 on the annexation of territory to the Corporate Limits—located on the west side of Guilford College Road—22.10 acres.

After brief discussion, Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

225-99 RESOLUTION CALLING A PUBLIC HEARING FOR JANUARY 4, 2000 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED ON THE WEST SIDE OF GUILFORD COLLEGE ROAD – 22.10 ACRES

WHEREAS, the owners of all the hereinafter-described property, which is non-contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 21st day of December, 1999, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON THE WEST SIDE OF GUILFORD COLLEGE ROAD-- 22.10 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at the northeast corner of the G.W. McClellan property as recorded in Deed Book 2254, Page 246 in the Office of the Register of Deeds of Guilford County, North Carolina; thence along the northern line of said McClellan property North 88 deg. 25 min. 02 sec. West, 410.99 feet to a new iron pipe on the eastern margin of the future outer loop thoroughfare as set forth according to the State of North Carolina Department of Transportation Project Number 6.498013T; thence along the eastern margin of the future outer loop thoroughfare the following bearing and distances: North 21 deg. 12 min. 44 sec. West, 211.23 feet to a new iron pipe; North 14 deg. 09 min. 00 sec. West, 485.66 feet to a new iron pipe, said point being on the southern line of Charlestowne Square Condominiums, Phase III-C, as recorded in Condominium Plat Book 3, Pages 87 thru 88 in the Office of the Register of Deeds of Guilford County, North Carolina; thence along the southern line of said Charlestowne Square Condominiums, Phase III-C and Phase III-B as recorded in Condominium Plat Book 3, Pages 84 thru 85 in the Office of the Register of Deeds of Guilford County, North Carolina, South 70 deg. 29 min. 51 sec. East, 350.07 feet to an existing iron pipe, said point being the southwest corner of the Bramblegate Condominiums as recorded in Condominium Plat Book 1, Pages 116 thru 118 in the Office of the Register of Deeds of Guilford County, North Carolina; thence along the southern line of said Bramblegate Condominiums South 70 deg. 29 min. 46 sec. East, 444.85 feet to an existing iron pipe, said point being the southwest corner of the Bramblegate Condominiums as recorded in Condominium Plat Book 1, Pages 44 thru 48 in the Office of the Register of Deeds of Guilford County, North Carolina; thence along the southern line of said Bramblegate Condominiums the following bearings and

distances; South 70 deg. 29 min. 08 sec. East, 350.36 feet to an existing iron pipe; South 76 deg. 10 min. 53 sec. East, 725.55 feet to a new iron pipe on the new western margin of Guilford College Road (S.R. #1546) as set forth according to the State of North Carolina Department of Transportation Project Number 6.498013T; thence continuing across Guilford College Road at the same bearing an approximate distance of 98.04 feet to a point on the existing eastern margin of Guilford College Road; thence with the existing eastern margin of Guilford College Road in a southwesterly direction, an approximate distance of 82.0 feet to a point; thence continuing along the existing eastern margin of Guilford College Road in a southwesterly direction a curve to the left having an approximate length and radius of 23.9 feet and 1,155.7 feet, respectively, to a point; thence continuing along said right-of-way line in a southwesterly direction an approximate distance of 62.1 feet to a point; thence continuing along said right-of-way in a southwesterly direction a curve to the left having an approximate length and radius of 208.1 feet, and 879.9 feet, respectively, to a point; thence leaving the existing eastern margin of Guilford College Road in a northwesterly direction, a curve to the right having an approximate length and radius of 125.1 feet, and 262.5 feet, respectively, to a point on the new southern margin of Guilford College Road as set forth according to the State of North Carolina Department of Transportation Project Number 6.498013T; thence along the new southern margin of Guilford College Road in a westerly direction, the approximate distance of 165.5 feet to a point; thence continuing along said right-of-way in a westerly direction, the approximate distance of 561.6 feet to a point; thence leaving the new eastern margin of Guilford College Road across the right-of-way at 90 deg. in a northerly direction the approximate distance of 131.2 feet to a new iron pipe on the new northern margin of Guilford College Road as set forth according to the State of North Carolina Department of Transportation Project Number 6.498013T, said point being on the northern boundary of the Guilford-Jamestown Acres development as recorded in Plat Book 29, Page 84 in the Office of the Register of Deeds of Guilford County, North Carolina; thence along the common line between the Guilford-Jamestown Acres development and Charlestowne Crossing North 88 deg. 10 min. 08 sec. West, 261.20 feet to an existing iron pipe, said iron pipe being the southeast corner of the G.W. McClellan property as recorded in Deed Book 2254, Page 246 in the Office of the Register of Deeds of Guilford County, North Carolina; thence along the eastern line of said McClellan property, North 01 deg. 45 min. 18 sec. East, 321.87 feet to the POINT OF BEGINNING. Containing 22.10 acres, more or less.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after March 31, 2000, the liability for municipal taxes for the 1999-2000 fiscal year shall be prorated on the basis of 3/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2000. Municipal ad valorem taxes for the 2000-2001 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after March 31, 2000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That January 4, 2000 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than December 25<sup>th</sup>, 1999.

(Signed) Earl Jones

.....

The Mayor introduced a resolution requesting that titles of combined core-based statistical areas (CBSAs) include the names of the three largest populated cities irrespective of County location.

After brief discussion, Councilmember D. Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

226-99 RESOLUTION REQUESTING THAT THE TITLES OF COMBINED CORE-BASED STATISTICAL AREAS (CBSAs) INCLUDE THE NAMES OF THE THREE LARGEST POPULATED CITIES IRRESPECTIVE OF COUNTY LOCATION

WHEREAS, our current Standard Metropolitan Statistical Area designation includes High Point, Greensboro and Winston-Salem;

WHEREAS, the U.S. Bureau of Census has announced plans that may eliminate High Point from the Standard Metropolitan Statistical Area Census;

WHEREAS, over the past few years these major cities have worked cooperatively to promote the Piedmont Triad Region;

WHEREAS, the City of High Point is the eighth largest city in the state of North Carolina with an estimated population of 80,000 people and the seventh largest labor force estimated at more than 41,000 workers;

WHEREAS, the City of High Point is host to the semi-annual International Home Furnishings Market which draws an average of 74,000 exhibitors and buyers from the 50 United States and 106 different countries with an annual economic impact to the Piedmont Triad Region of more than one-quarter billion dollars;

WHEREAS, as home to the International Home Furnishings Market—the largest home furnishings trade show in the world—High Point offers global name recognition to our Region;

WHEREAS, omitting High Point from the title of CBSA would not accurately capture the complete range of U.S. settlement and activity patterns for this region.

NOW, THEREFORE, BE IT RESOLVED, that the Greensboro City Council strongly encourages the Office of Management and Budget to amend the new standards for defining metropolitan areas for the 2000 Census to all the inclusion of High Point, Greensboro and Winston-Salem in the CBSA.

(Signed) Donald R. Vaughan

.....

Councilmember Johnson moved that Tracy Brown be appointed to serve a term on the Historic Preservation Commission; this term will expire on 15 August 02. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of the Council.

Councilmember Johnson moved that Margaret L. Dwight be appointed to fill the unexpired portion of term of Tommy L. Teague on the Historic Preservation Commission; this term will expire on 15 August 00. The motion was seconded by Councilmember Burroughs-White and adopted unanimously by voice vote of the Council.

At the request of Councilmember Johnson, Kathleen Smith, MWBE Office; and Frank Graham, spoke to the request for the City to consider sponsoring the Carolina Minority Supply and Development Council's Business

Opportunities Conference to be held in Greensboro. They spoke to the purpose of the group to ensure opportunities for minorities and women with major corporations within the city and state and to other benefits this national conference would offer for Greensboro.

After brief discussion regarding other funding sources for this conference, the policy used by Council to consider action on funding requests, and a request for information as to the manner in which the City's contribution would be used to promote MWBE in Greensboro, Ms. Smith was asked to provide additional written information to Council.

.....

Councilmember Burroughs-White added the name of Celestine Simmons to the boards and commissions data bank for consideration for future service.

Councilmember Burroughs-White spoke to plans for the upcoming 40<sup>th</sup> anniversary celebration of the Woolworth Sit-In being held in Greensboro and to the work of the Commission charged with organizing the events. Speaking to the short timeframe in which to prepare for this celebration, she thereupon requested Council to consider taking action at this time to sponsor the celebration effort in the amount of \$10,000.

After Council briefly discussed this request, the City Manager advised that the funding source would be Council's Contingency funds. Councilmember Carmany reiterated her request that any funding proposal for Council's consideration be shared with Council prior to their being asked to take action.

Councilmember Johnson moved that the Council provide \$10,000 for the celebration. The motion was seconded by Councilmember Jones and adopted unanimously by voice vote of the Council.

.....

Councilmember Carmany spoke to the success of the holiday concert held at the Coliseum, which provided 73,000 cans of food for distribution, by the Salvation Army.

.....

Councilmember N. Vaughan moved that Stephen Freyaldenhoven be appointed to serve a term on the Historic Preservation Commission in the position formerly held by a member of the Planning Board, Ralph Jarrett; this term will expire on 15 August 01. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of the Council.

.....

Councilmember Perkins requested the Manager to explore the status of the Page High School fields and provide information to Council. The Manager advised that this matter could also be discussed at the Council's January workshops.

.....

Mayor Holliday spoke to a number of events of interest to the community, advised a Council visit for the MMOB was scheduled at 10:00 a.m. on Thursday, noted this Council meeting would be replayed on Channel 13, expressed appreciation to Council for their support at this meeting, and extended best wishes to everyone for Happy Holidays.

.....

Councilmember Johnson moved that the City Council adjourn. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 10:25 P.M.

JUANITA F. COOPER  
CITY CLERK

KEITH A. HOLLIDAY  
MAYOR

\*\*\*\*\*